# HW Neg

### Notes

-I’d usually read a PIC and a T argument and some of the case arguments, depending on panel -- I put a lot under each header/pocket but would pick and choose

-2NR usually ended up going for one of the PICs

# Prep Components

# Pseudoscience PIC

\*\*\*open and have file edited

## 1NC

#### Text: Public colleges and universities ought not restrict any constitutionally protected speech, except pseudo-science used by whites in school newspapers to devalue the intelligence of minorities.

#### Newspapers have published articles proclaiming whites to be smarter than Blacks

**Gillborn:** Gillborn, David [Professor of Critical Race Studies in Education, Institute of Education, University of London.] “RISK-FREE RACISM: WHITENESS AND SO-CALLED ‘FREE SPEECH’.” *Wake Forest Law Review.* Volume 44. 2009. RP

**Each day the Victoria Derbyshire show invites listeners’ views on a controversial news story. On the day in question, the topic concerned public reaction to statements by Dr. Frank Ellis, a lecturer in Russian and Slavonic Studies at Leeds University in England, who was in the news because students had called for his dismissal. Ellis had been quoted in the Leeds student newspaper expressing the view that Black people, as a group, are substantially less intelligent than Whites and that this inequality is genetically based and, therefore, resistant to ameliorative action through education and other social programs**.40

#### Competition – this is a form of free speech – White people use the excuse of free speech to air pseudo-scientific racist views.

**Gillborn:** Gillborn, David [Professor of Critical Race Studies in Education, Institute of Education, University of London.] “RISK-FREE RACISM: WHITENESS AND SO-CALLED ‘FREE SPEECH’.” *Wake Forest Law Review.* Volume 44. 2009. RP

The show opened with a twelve minute prerecorded interview with Dr. Ellis, but rather than begin with an assault on his racist beliefs, the first part of the interview was devoted to his complaint that he was a victim of racism: “. . . [R]acist basically means anything they don’t like. It’s a hate word, calling somebody a racist or a fascist or a neo-Nazi or whatever has become a kind of a racist slur in its own right.” **This view of Ellis as a race victim was repeated by numerous White callers who described attacks on his views as attacks on “free speech.” A famous quotation on the value of “free speech” is often attributed (incorrectly) to the eighteenth century French writer Voltaire: “I disapprove of what you say, but I will defend to the death your right to say it.”42 Several White callers quoted this, or a version of it, as if its mere recitation was proof of something, from Ellis’s presumed right to say whatever he likes, through to an assumption of the inherent worth of his views as against the assumed negative motives of anyone who would try to silence him**. Remember that Ellis faced calls for his dismissal as a racist, but the interview segment of the program began with arguments about “free speech” and not racism. Similarly, Charles, the first caller to be aired after the interview segment, stated: I agree with everything Dr. Ellis has said with regard to colonial legacies . . . . I really don’t know enough about the Bell Curve theory to express an opinion but what I do support is that gentleman’s right to express his opinion as he sees fit. This is not the Soviet Union; this is a country where free speech has been cherished from time immemorial. Susan also quoted the Voltaire line and then repeated Ellis’s assertion that the word “racist” was being used to silence free speech: “If he’s just going to be branded a racist, it just closes down the discussion.” **Some White callers seemed to assume that their commitment to free speech gave them license to wander wherever they pleased**. Charles, for example, euphemistically revisited the centuries-old stereotype about Black physicality44 and, despite the fact that “colored” is widely held to be a racist term in the United Kingdom, the comment went unremarked on by the host: People are different . . . . I was a very good runner but when I came up against the colored guys that I used to run with at school [pause] you know, as soon as we started to develop and get into manhood, they were far stronger and far more superior to me.

#### Racist pseudoscience conducted by colleges becomes accepted and legitimized when heard publicly– bans are key.

**Horgan:** Horgan, John [Contributor, Scientific American Blog Network] “Should Research on Race and IQ Be Banned?” *Scientific American.* May 2013. RP

-Also explains what the CP does

**Far from it. The claims of researchers like Murray, Herrnstein and Richwine could easily become self-fulfilling, by bolstering the confirmation bias of racists and by convincing minority children, their parents and teachers that the children are innately, immutably inferior**. (See Post-postscript below.) Why, given all the world’s problems and needs, would someone choose to investigate this thesis? What good could come of it? **Are we really going to base policies on immigration, education and other social programs on allegedly innate racial differences? Not even the Heritage Foundation advocates a return to such eugenicist policies. Perhaps instead of arguing over the evidence for or against theories linking race and IQ we should see them as simply irrelevant to serious intellectual discourse**. I'm sympathetic toward the position spelled out by Noam Chomsky in his usual blunt fashion in his 1987 book [Language and Problems of Knowledge](http://www.amazon.com/Language-Problems-Knowledge-Lectures-Linguistics/dp/0262530708): "Surely people differ in their biologically determined qualities. The world would be too horrible to contemplate if they did not. But discovery of a correlation between some of these qualities is of no scientific interest and of no social significance, except to racists, sexists and the like. Those who argue that there is a correlation between race and IQ and those who deny this claim are contributing to racism and other disorders, because what they are saying is based on the assumption that the answer to the question makes a difference; it does not, except to racists, sexists and the like." **Scientists** [**and pundits**](http://www.slate.com/articles/health_and_science/human_nature/features/2007/created_equal/liberalcreationism.html) **who insist on recycling racial theories of intelligence portray themselves as courageous defenders of scientific truth. I see them not as heroes but as bullies, picking on those who are already getting a raw deal in our society. It's time to put these destructive theories to rest once and for all**. Irony Alert: It just occurred to me that two recent films, The Great Gatsby and Django Unchained, feature villains who spout pseudo-scientific theories of white superiority. The films imply that these theories are ludicrous relics of our racist past and that no modern person could possibly believe them. If only. \*Clarification: Some readers may wonder what I mean by "ban," so let me spell it out. I envision a federal prohibition against speech or publications supporting racial theories of intelligence. All papers, books and other documents advocating such theories will be burned, deleted or otherwise destroyed.Those who continue espousing such theories either publicly or privately (as determined by monitoring of email, phone calls or other communications) will be detained indefinitely in Guantanamo until or unless a secret tribunal overseen by me says they have expressed sufficient remorse and can be released. \*\*Clarification clarification: The above clarification has left some readers puzzling over whether my whole post was a joke. The clarification is obviously (I thought) sarcastic, and the rest of the post is obviously (I thought) deadly earnest. So what do I really mean by a ban? Here's one possibility. **Institutional review boards (IRBs), which must approve research involving human subjects carried out by universities and other organizations, should reject proposed research that will promote racial theories of intelligence, because the harm of such research--which fosters racism even if not motivated by racism--far outweighs any alleged benefits. Employing IRBs would be fitting, since they** [**were formed in part as a response**](http://en.wikipedia.org/wiki/Institutional_review_board) **to the one of the most notorious examples of racist research in history, the Tuskegee Syphilis Study, which was carried out by the U.S. Public Health Service from 1932 to 1972.** Post-Postscript: Scientific American has just published two excellent article on "stereotype threat," which is a kind of reverse placebo--or "nocebo"--effect; victims of negative stereotypes may underperform because they believe the stereotype. See [here](http://www.scientificamerican.com/article.cfm?id=psychologists-steel-minority-students-against-fear-failure&WT.mc_id=SA_SADAlert_062013) and [here](http://www.scientificamerican.com/article.cfm?id=stereotype-interventions-expel-from-classrooms-across-country). Some clever critics of my post might accuse me of hypocrisy, because these articles present esearch on race and and should be subject to my proposed ban. Obviously I'm trying to eliminate research that reinforces rather than counteracting racism. I mean, Duh.

#### Racist pseudo-science operates as violence against black families and communities

**Gillborn:** Gillborn, David [Professor of Critical Race Studies in Education, Institute of Education, University of London.] “RISK-FREE RACISM: WHITENESS AND SO-CALLED ‘FREE SPEECH’.” *Wake Forest Law Review.* Volume 44. 2009. RP

**Benjamin, a caller who identified himself as Black, raised an issue that highlights one of the fundamental problems with the idea that unregulated speech is in everyone’s interests because it automatically guarantees equal opportunity to state your case**.45 Quite apart from the fact that certain groups and individuals are granted, or can demand, disproportionate time and status, Benjamin’s call foregrounds the personal distress and anguish caused by racist pseudoscientific rhetoric, which, despite its protagonists’ claim to scientific respectability, operates as symbolic violence, that is, as an aggressive form of hate speech: [A]s I was driving I started listening to Five Live and my children were asking me questions . . . . ‘Dad, what do you think about this?’ And afterwards I had to explain to them that, I mean, comparing your class—even though you are Black—you are still one of the top performers in your class, both children. Ian Hutchby has noted that talk radio has a particular immediacy, a kind of intimacy, which derives from its production and consumption in the domestic sphere: “the voices of ordinary citizens are carried from that domestic sphere into the institutional space of the studio, and then projected back again.”46 **This degree of intimacy heightens the sense of violent invasion created by Ellis’s words, putting Benjamin in a situation where, driving his children to school, he was confronted by their reaction to being told (by a university lecturer on national radio—an apparently authoritative person) that as Black people they are less likely to be intelligent. Benjamin and his children have been assaulted by Ellis’s words: Benjamin had to explain to his children that they are not inferior “even though [they] are Black.” This throws into relief the crass absurdity of White callers who stated that Black people were simply overreacting: in Charles’ words, “some of the minorities are starting to take all these comments far too offensively . . . .”**

# Conservative Clickbait PIC

## 1NC

#### Text: Public colleges and universities in the United States ought not restrict any constitutionally protected journalist speech, except conservative articles about PC culture that call out specific students.

#### Conservative campus journals write clickbait articles about PC culture that get spread across the internet and harass students – this is protected as free speech

**Dolgenos:** Dolgenos, Kate [Kate Dolgenos PO '17 is TSL's Opinions editor and a politics major from Philadelphia, Pennsylvania. She wears better shoes than you.] “Right-wing Campus 'Journalism' Goes Too Far.” The Student Life, Pomona College. March 9, 2017. RP

**Right-wing college journalists have developed a highly effective modus operandi for getting the maximum amount of fame and notoriety from a controversial article**. We all know the drill. **The journalists zero in on an aspect of so-called 'PC culture' that seems excessive**. They write and produce an easy-to- digest article, often with quotes **and screenshots lifted from students' personal social media pages, then slap it with a provocative headline. When it has been posted on Facebook and their outraged relatives have commented on it, the journalists forward their article to their contacts at national conservative news outlets that specialize in clickbait, such as The Daily Wire, TheBlaze, and The Weekly Standard. The article is then picked up by more prominent news outlets, such as Fox News and The National Review** (Katherine Timpf, a reporter for The National Review Online, almost exclusively covers anecdotes about political correctness on college campuses.) **Conservative student writers have a lot of incentives to produce this type of content**. Writing articles that go viral (or, better yet, having a leadership position on a conservative news outlet with nationwide readership from clickbait stories) looks good on their resumes. And it's important to note that, despite popular perception, these students are not morally bankrupt; they believe they are saving free speech and political discourse. **Regardless of your opinions on political correctness, this brand of clickbait conservatism is morally indefensible. The pieces run by right-wing college media often carelessly include names or personal information of the students involved in PC culture's excesses, making them vulnerable to online harassment.** The problem is particularly acute if the article contains screenshots from social media, making it even easier to track down the subjects of the piece online. **Comment sections on articles dealing with political correctness are filled with vitriolic racist hatred aimed at the "snowflakes" perpetrating PC culture**. In one recent Facebook comment section on the Claremont Independent's page, commenters referred to students as "black b\*tches" and "racist b\*tches," white women who had engaged in cultural appropriation were instructed to tell students of color to "eat sh\*t and die," and a student of color was threatened by someone who wanted to hit them "across their racist b\*tch face**." Citing free speech, the outlets that publish articles decrying political correctness typically refuse to delete or censor racist, sexist, or otherwise deplorable comments.**

#### They get no offense – these articles have 0 truth value and are just sensationalist – they add *nothing* to the conversation and drown out reasoned dialogue.

**Dolgenos:** Dolgenos, Kate [Kate Dolgenos PO '17 is TSL's Opinions editor and a politics major from Philadelphia, Pennsylvania. She wears better shoes than you.] “Right-wing Campus 'Journalism' Goes Too Far.” The Student Life, Pomona College. March 9, 2017. RP

**Even if you hate PC culture, you can object to the shoddy way that campus conservative news outlets smear their opponents. Personally, I believe that most of these anti-PC culture articles are sensationalist and overblown. Often, they are collections of quotes taken out of context and curated to engender maximum outrage from online conservative audiences**. Conservatives, however, are in near-universal agreement that political correctness and censorship on college campuses have reached absurd heights. **But what is more immoral, writing an article about culturally appropriative food in Oberlin's dining halls or doxing students of color and subjecting them to racist online harassment (even death threats, in some cases) for voicing their political views?** Why have conservatives suddenly lost sight of what is important? I do not want to downplay conservative concerns about free speech on liberal college campuses. **It is impossible to have a productive discussion when any opinions that dissent from the far-left political mainstream are ignored, something that happens too often here**. Revealing oneself to be a Republican, or even a moderate with reservations about PC culture, leads to open mockery, social ostracization, and a complete dismissal of one's views. I am a mainstream liberal, but because I am an outspoken Zionist, strangers in Claremont sometimes feel it is appropriate to interrogate my best friends about why they associate with me. Unsurprisingly, they treat actual conservatives like human scum. Republican students in Claremont are mocked in secret Facebook groups, harassed in public spaces, and roasted on anonymous meme pages**. It is easy to see why conservative student writers would believe that PC culture is evil and focus on writing clickbait condemnations of political correctness, rather than serious pieces about conservative ideas**. But the fact that people who dissent from the political mainstream here are treated unjustly does not excuse doxing ultra-liberal students, nor does it mean all politically correct arguments are stupid. **Right-leaning opposition on campus is sorely needed, but this opposition should not be in the form of screenshot collections designed to mock PC culture**. If they must constantly write about PC culture, Republican student outlets should produce intelligent arguments refuting political correctness. It would be even better if conservative outlets were to focus on conservatism, rather than juvenile mockery of their fel- low students. Conservative student journalists should produce national stories, make a strong case for free markets, and advocate limited government. Nobody wants to read another million articles implying that students of color are idiotic for not wanting their peers to wear sombreros on Halloween, especially if those stories violate students' privacy or subject them to racist abuse. These students deserve better - and frankly, so does the conservative movement.

#### Twitter proves that bans targeting conservative hatred are effective – sitting idly by creates more problems.

**McElwee:** McElwee, Sean [Contributor, The Huffington Post] “The Case for Censoring Hate Speech.” *The Huffington Post.* July 2013. RP

It’s interesting to note how closely this idea resembles free market fundamentalism: simply get rid of any coercive rules and the “marketplace of ideas” will naturally produce the best result. **Humboldt State University compiled a visual map that charts 150,000 hateful insults aggregated over the course of 11 months in the U.S. by pairing Google‘s Maps API with a series of the most homophobic, racist and otherwise prejudiced tweets. The map’s existence draws into question the notion that the “twittersphere” can organically combat hate speech; hate speech is not going to disappear from twitter on its own.** The negative impacts of hate speech cannot be mitigated by the responses of third-party observers, as **hate speech aims at two goals. First, it is an attempt to tell bigots that they are not alone. Frank Collins — the neo-Nazi prosecuted in National Socialist Party of America v Skokie (1977) — said, “We want to reach the good people, get the fierce anti- Semites who have to live among the Jews to come out of the woodwork and stand up for themselves.”**

#### Hate targeting specific groups sets the stage for genocide.

**Delgado and Stefancic:** Richard Delgado and Jean Stefancic [Delgado is Charles Inglis Thomson Professor of Law, University of Colorado. J.D., U. Cali- fornia-Berkeley, 1974. Stefancic is theTechnical Services Librarian, University of San Francisco School of Law. M.L.S., Simmons College, 1963; M.A., University of San Francisco, 1989. “FOUR OBSERVATIONS ABOUT HATE SPEECH.” *Wake Forest Law Review.* Volume 44. 2009. RP

**With general hate speech, such as anonymously circulated flyers or speeches to a crowd, the harms, while diffuse, may be just as serious. Recent scholarship shows how practically every instance of genocide came on the heels of a wave of hate speech depicting the victims in belittling terms.75 For example, before launching their wave of deadly attacks on the Tutsis in Rwanda, Hutus in government and the media disseminated a drumbeat of messages casting their ethnic rivals as despicable.76 The Third Reich did much the same with the Jews during the period leading up to the Holocaust. When the United States enslaved African Americans and killed or removed the Indians, it rationalized that these were simple folk who needed discipline and tutelage, or else bloodthirsty savages who resisted the blessings of civilization.** When, a little later, the nation marched westward in pursuit of manifest destiny, it justified taking over the rich lands of California and the Southwest on the ground that the indolent Mexicans living on them did not deserve their good fortune. Before interning the Japanese during World War II, propagandists depicted the group as sneaky, suspicious, and despotic. **It is possible that the connection between general hate speech and instances of mass oppression may not be merely statistical and contingent, but conceptual and necessary. Concerted action requires an intelligible intention or rationale capable of being understood by others. One cannot mistreat another group without first articulating a reason why one is doing it**—otherwise, no one but a sadist would join in. Without a softening-up period, early steps toward genocide, such as removing Jews to a ghetto, would strike others as gratuitous and command little support. Discriminatory action of any kind presupposes a group that labors under a stigma of some kind. The prime mechanism for the creation of such stigma is hate speech**. Without it, genocide, imperialism, Indian removal, and Jim Crow could gain little purchase.**

# Tobacco PIC/DA

## 1NC – DA

#### Colleges currently restrict tobacco advertising – the movement is growing

**Murphy:** Murphy, Kate [Higher Education Reporter, Cincinnati.com] “UC bans tobacco on all campuses.” *Cincinnati.com.* August 2016. RP

**The University of Cincinnati is banning smoking on campus, starting next May.** The UC board of trustees voted unanimously Tuesday to make all campuses "100 percent tobacco and smoke-free environments" effective May 1. Smoking and tobacco use, including chewing tobacco, electronic cigarettes, cigars and hookahs, will be prohibited for students, staff, faculty, visitors, vendors and contractors at all times in or on UC property. That includes athletic facilities, residence halls, sidewalks, and parking lots owned by UC, even if individuals are in their cars. "It’s a leadership move to help people understand that the importance of good healthy behavior and smoking tobacco products is certainly not one of them," university spokesman Greg Vehr said. The move is significant because UC is one of the Cincinnati region's top employers, with a workforce of about 16,000. UC started the fall semester Monday with a record enrollment of about 45,000 students. The university is restricting tobacco use because it "recognizes that smoking any substance in any form poses a public health hazard" and is "dedicated to providing a safe and healthy environment," according to the resolution. UC also has "substantial commitments to health-related research, teaching and patient care," giving it a "particular obligation to be sensitive to health-protection issues," the resolution says. The new rule is a result of the Tobacco Free UC committee, which was [formed by former president Santa Ono in February](http://www.uc.edu/content/dam/uc/hr/bewelluc/downloads/Tobacco%20Cessation/Presidents%20Announcement_Feb%2023%202016.pdf) to explore a new policy. Ono created the task force after students and faculty members raised concerns about the increased risks of illness and premature death caused by smoking and sidestream smoke. UC's student government and faculty senate both passed resolutions in the fall of 2015 favoring a smoking ban. The Ohio Board of Regents, which oversees policy for all state universities, voted in 2012 to strongly recommend tobacco bans on campuses. One in five Ohio adults smoked in 2014 compared to one in six adults nationally, according to the national Centers for Disease Control and Prevention, Ohio State and Miami universities already have tobacco bans. In Kentucky, both Northern Kentucky University and the University of Kentucky are smoke-free. **UC officials said more than 1,000 U.S. colleges already have bans on tobacco.** The CDC data shows that smoking rates for people ages 18 to 24 – the group that includes most college students – is roughly one in six. Only one of 10 college graduates smokes, the CDC says. UC restricted smoking within 25 feet of campus building exits and entrances in 2006, while banning smoking entirely from the UC Medical Center on the East Campus. Vehr said the initiative is focused on being “an education process with peer to peer type efforts to encourage people to understand that there are no positive health benefits to tobacco use.” The goal is to educate the community to help curb smoking through UC’s wellness program before implementation, he said, but the resolution outlines how the rule will be enforced. Employees could be subject to termination or fines for violating Ohio smoking laws and the university is working on developing its own policy for disciplinary action for faculty and staff who don't comply with the rule. Students who violate the rule could be held accountable by the student code of conduct and state laws. Visitors could be denied access to campus and ultimately subject to arrest for criminal trespass for violating the policy. **To ensure compliance, the university plans to post "no tobacco use" signs around campus, include the ban in university literature and advertising for job postings and make announcements during university-sponsored events. UC is also eliminating any support to and from the tobacco industry, including sponsorships, advertisements and sales.**

#### Tobacco ads appear in student newspapers

**Hollerbach:** Hollerbach, Karie “Tobacco Goes to College: Cigarette Advertising in Student Media, 1920-1980.” 2014. RP

**In Tobacco Goes to College, author Elizabeth Crisp Crawford carefully examines the symbiotic relationship between the state of cigarette use on college campuses from 1920 to 1980 and the tobacco industry's relentless promotional efforts to maintain and grow this use. Crawford frames her inquiry and analysis through a three-part lens: the historical and legal exploration of cigarette advertising in the student press, the advertising strategy and placement methods employed by individual cigarette brand advertisers, and a review of recurring advertising themes used in campus advertising and other media that supported the cigarette brands' broader marketing initiatives.** Cigarette consumption in the United States was just 2 percent of the tobacco industry in 1900. It was 40 percent by 1930 and smoking on college campuses did affect overall use as tobacco and intellectualism had enjoyed a long association. What really tipped the scales was the acceptance of women smoking in public places, with any opposition to lighting up on campus disappearing in the 1940s. **The first national cigarette ads appeared in college newspapers in the 1920s and were centered on a social strategy of friendship and acceptance. By the 1930s, cigarette advertising in many student newspapers doubled and highlighted the glamour and sophistication of smoking along with its sensory experience as a means of escape. Enter the tobacco industry again, fresh from its successful World War II cigarette campaigns, as it goes back to college via any means it can; employing students to promote smoking on campus by distributing free cigarette samples, sponsoring contests to increase cigarette use, funding faculty and student research on tobacco uses and gratifications, and supporting student newspapers through advertising placements that eventually account for 40 percent of their national advertising. The ads themselves were part of some of the best campaigns developed in the 1950s, utilizing cutting-edge market research done with college students on campuses nationwide and implemented by the best advertising agencies on Madison Avenue.**

#### Tobacco ads on campus are constitutionally protected

**Hudson:** Hudson, David L., Jr. [First Amendment Scholar] “Tobacco ads.” *First Amendment Center.* September 2002. RP

**Government officials continue to wage war on tobacco advertising**. The Federal Trade Commission, the Food and Drug Administration and other federal and state regulators have targeted tobacco manufacturers, accusing them of marketing to minors and restricting what the companies can say in their advertising. The regulators cite scientific studies showing that tobacco is a harmful product. **On the other hand, the First Amendment presupposes that people, not the government, should decide what is best for themselves**. Restrictions on tobacco ads come at a time when juries have awarded astronomical amounts to plaintiffs suing tobacco companies. Many states have attacked big tobacco companies, contending that they have caused serious health problems and related expenses. The culmination of the states’ efforts resulted in a 1998 settlement agreement involving more than 46 states and the six largest tobacco companies — Brown & Williamson Tobacco Corp., Lorillard Tobacco, Philip Morris Companies Inc., R.J. Reynolds Tobacco Co., Commonwealth Tobacco and Liggett & Myers Tobacco Co. Under this settlement, called the Master Settlement Agreement, the parties agreed to settle nearly all litigation between the parties. In agreeing to the settlement, the tobacco companies placed many restrictions on the marketing and advertising of tobacco products. Some of these self-imposed advertising restrictions include: Tobacco companies cannot use cartoon characters, such as “Joe Camel,” to advertise their products. Tobacco companies cannot target youth in the advertising, promotion or marketing of tobacco products. Tobacco companies cannot sponsor concerts or other events with significant youth audiences, including team sporting events, such as football games. Tobacco brand names cannot be advertised at stadiums and arenas. Those who wish to curtail tobacco advertising to children lauded the Master Settlement Agreement. Robert Kline, a staff attorney with the Boston-based Tobacco Control Resource Center at Northeastern University, says that “the tobacco industry’s voluntary giving up of advertising rights is a benefit to society” because fewer children will see tobacco ads. But some believe that the restrictions, if they came in the form of legislation as opposed to a voluntary settlement, would be unconstitutional. “**Many of the restrictions on advertising included in the settlement agreement could not be imposed legislatively because they would violate the First Amendment,**” says Richard Samp, chief counsel of the Washington Legal Foundation. The trend in law since the 1998 agreement has been “litigating over the meaning of the Master Settlement Agreement,” Samp said. In 2001, the California attorney general’s office filed suit against R.J. Reynolds for violating the Master Settlement Agreement by targeting children by advertising in magazines such as Sports Illustrated and Spin. The state said many teenagers read these magazines. The case ended in a settlement agreement in December 2004, under which R.J. Reynolds cannot advertise in publications that have teen audiences comprising 15% or more of their readership and must keep the total number of teenagers exposed to advertising at 30% below the number of adults exposed. R.J. Reynolds is also prohibited from tailoring advertising to teenagers. The company paid nearly $17 million in civil penalties and court costs. Kline said various other state attorneys general have threatened to force tobacco companies to comply with various restrictions contained in the Master Settlement Agreement. Usually tobacco companies will back down once an attorney general threatens suit, he said. In spite of the Master Settlement Agreement, some states chose to expand the regulation of tobacco advertising. In 1999, then-Attorney General of Massachusetts Scott Harshbarger announced new regulations on tobacco products. These included advertising restrictions designed to “close holes” in the settlement agreement and “to stop Big Tobacco from recruiting new customers among the children of Massachusetts.” The Massachusetts regulations were even broader than those contained in the Master Settlement Agreement. For example, the Massachusetts regulations covered far more people and businesses than the settlement, which affected six major tobacco companies. One regulation targeted “outdoor advertising” of tobacco products. It provided: Outdoor advertising, including advertising in enclosed stadiums and advertising from within a retail establishment that is directed toward or visible from the outside of the establishment, in any location that is within 1,000 foot radius of any public playground, playground area in a public park, elementary school or secondary school. Another provision prohibited certain advertising in retail stores visible from the outside. The provision defined “point of sale” advertising defined as any ads placed lower than 5 feet from the floor of any retail establishment**. A group of makers and sellers of tobacco products filed three separate suits in federal court in May 1999, challenging the constitutionality of the Massachusetts regulations. The plaintiffs consisted of cigarette, smokeless tobacco and cigar firms. They made two principal arguments. The cigarette and smokeless tobacco companies argued that the advertising restrictions were preempted by the Federal Cigarette Labeling and Advertising Act, 15 U.S.C. Section 1334(b). The law prohibits a state from imposing any “requirement or prohibition based on smoking and health … with respect to the advertising or promotion of … cigarettes.” The smokeless tobacco and cigar plaintiffs also argued that the restrictions violated their First Amendment free-speech rights**. A U.S. district court called tobacco advertising “functional pornography” and upheld the majority of the advertising restrictions. The court did strike down the “point of sale” provision. The 1st U.S. Circuit Court of Appeals affirmed the lower court and also upheld the point-of-sale restriction. Both courts rejected the preemption claim. The 1st Circuit reasoned that the federal law only preempts the content of cigarette labels and does not affect state laws relating to the location of cigarette ads. **In its 2001 decision in** [**Lorillard Tobacco Co. v. Reilly,**](http://caselaw.lp.findlaw.com/cgi-bin/getcase.pl?court=US&navby=case&vol=000&invol=00-596) **the U.S. Supreme Court reversed the 1st Circuit on both the preemption and First Amendment issues. The Court determined that the federal cigarette-labeling law did preempt state restrictions on advertising and promotion of cigarettes**. Justice Sandra Day O’Connor reasoned that “a distinction between state regulation of the location as opposed to the content of cigarette advertising has no foundation in the text of the pre-emption provision.” Four justices dissented on the preemption issues. The majority then examined the advertising restrictions imposed on the smokeless tobacco and cigar petitioners. The Court determined that the state attorney general had a substantial, even compelling, interest in protecting minors from tobacco products. But it decided that the 1,000-foot restriction on outdoor advertising was simply too broad. “**In some geographical areas, these regulations would constitute nearly a complete ban on the communication of truthful information about smokeless tobacco and cigars to adult consumers,” the Court wrote. “The uniformly broad sweep of the geographical limitation demonstrates a lack of tailoring.” The Court emphasized that the 1,000-foot ban on outdoor advertising was particularly onerous because the law’s definition of outdoor advertising included advertising in a store if the ad was visible from outside the store. The justices also focused on the fact that the regulations would curtail the speech that adults could receive**. **Even though the state has a substantial interest in protecting minors from tobacco usage, tobacco manufacturers and adult consumers have a First Amendment right to provide and receive information about lawful products**. The Court also struck down the “point of sale” provision prohibiting advertising lower than 5 feet from the floor of retail advertisements. The majority determined that this restriction did not advance the state’s goals in protecting minors. “Not all children are less than 5 feet tall, and those who are certainly have the ability to look up and take in their surroundings.” **Justice Clarence Thomas wrote separately to emphasize his oft-stated view that commercial speech, including tobacco advertising, should not receive second class status in First Amendment jurisprudence**. Thomas stressed that “when the government seeks to restrict truthful speech in order to suppress the ideas it conveys, strict scrutiny is appropriate, whether or not the speech in question may be characterized as ‘commercial.’” Even the justices who dissented on the preemption issue were troubled by the outdoor advertising regulations. In his dissent, Justice John Paul Stevens said that he would favor sending the case down to the lower court for the development of further evidence on the breadth of the regulation. Many free-speech experts praised the Court’s decision. “**Under the First Amendment, you cannot restrict speech on the mere possibility that a small amount of children might see the speech**,” Samp said. “The gist of the Supreme Court’s First Amendment jurisprudence in this area is that the government cannot ban advertising directed to adults simply because a small part of advertising will reach children.” At least 20 similar laws in different cities and states have been repealed since the Lorillard decision, Samp said. **Most recently, in 2012 a federal district judge in Massachusetts struck down a Worcester ordinance that included broad restrictions on tobacco advertising**. The ordinance, passed by the Worcester City Council in 2010, read, “No person shall display any advertising that promotes or encourages the sale or use of cigarettes, blunt wrap (rolling papers) or other tobacco products in any location where any such advertising can be viewed from any street or park shown on the Official Map of the city or from any property containing a public or private school or property containing an educational institution … .” In National Association of Tobacco Outlets v. City of Worcester, U.S. District Judge Douglas P. Woodlock found that the ordinance failed to meet the U.S. Supreme Court’s tests for evaluating commercial speech from [Central Hudson Gas and Electric v. Public Service Commission of New York,](http://www.oyez.org/cases/1970-1979/1979/1979_79_565) writing that “the City of Worcester may not seek to remove a popular but disfavored type of products — those products that serve tobacco usage — from the marketplace by prohibiting truthful, nonmisleading advertisements directed to adults.”

#### Reducing smoking advertising empirically decreases smoking.

**Kasza et al 1:** Kasza, Karin A. [Rosewell Park Cancer Institute], Andrew Hyland, Mohammad Siahpush, Hua-Hie Yong, Ann D. McNeill, Lin Li, Michael Cummings. “The Effectiveness of Tobacco Marketing Regulations on Reducing Smokers’ Exposure to Advertising and Promotion: Findings from the International Tobacco Control (ITC) Four Country Survey.” *International Journal of Environmental Research and Public Health*, 2011. MZ

**Exposure to tobacco product marketing promotes the initiation, continuation, and reuptake of cigarette smoking and as a result the World Health Organization Framework Convention on Tobacco Control (WHO FCTC) has called upon member Parties to enact comprehensive bans on tobacco advertising and promotion.** This study examines the immediate and long term effectiveness of advertising restrictions enacted in different countries on exposure to different forms of product marketing, and examines differences in exposure across different socioeconomic status (SES) groups. **Nationally representative data from the United Kingdom, Canada, Australia, and the United States, collected from adult smokers between 2002 and 2008 using the International Tobacco Control Four Country Survey (ITC-4), were used in this study (N = 21,615).** In light of the specific marketing regulation changes that occurred during the course of this study period, changes in awareness of tobacco marketing via various channels were assessed for each country, and for different SES groups within countries. **Tobacco marketing regulations, once implemented, were associated with** significant reductions **in smokers’ reported awareness of pro-smoking cues, and the observed reductions were greatest immediately following the enactment of regulations.** Changes in reported awareness were generally the same across different SES groups, although some exceptions were noted. **While [T]obacco marketing regulations have been effective[.] in reducing exposure** to certain types of product marketing there still remain gaps, especially with regard to in-store marketing and price promotions.

#### The tobacco industry is hugely exploitative, and aims to kill off billions of poor and black people.

**Ames:** Ames, Mark [Contributor, Pando] “’The poor, the young, the black and the stupid’: Inside Big Tobacco's plans to kill a billion people.” Pando. June 2015. RP

“**The world’s most widespread, serious infection is purposely spread by its vector: the tobacco industry. Rather than a tiny insect, this vector has economic resources rivaling those of many of the world’s largest governments. Its spread is mapped out in mahogany-lined boardrooms; it breeds its resistance to countermeasures in political backrooms; and it seizes its victims in adolescent bedrooms.**” —Eric LeGresley, World Health Organization The Legacy Tobacco Documents Library (LTDL) at the University of California, San Francisco is a digital House of Corporate Horrors; an open black box offering the public access to nearly 15 million searchable documents -- over [88 million pages](https://industrydocuments.library.ucsf.edu/tobacco/about/data/) in total -- direct from the private vaults of the Big Tobacco companies. These documents offer an unvarnished view into the deadliest and most outrageous business conspiracy in history. **Tens of millions of people dead, for tens of billions in Big Tobacco profits. Most of those deaths were easily preventable and might actually have been prevented but for this conspiracy**. It’d be hard to believe if it weren’t all there in black and white: **Secret programs to spike and freebase cigarettes in order to hook smokers for life, massive marketing campaigns aimed at hooking underage smokers and at confusing and tricking the public, and untold billions more spent bribing the media, science, academics, and politicians in order to keep the tobacco profits rolling on**. You also find the names of all sorts of respectable journalists, political figures and nonprofit charities who cut secret deals with Big Tobacco to help them continue profiting off mass-death. The newest [3.0 version](https://industrydocuments.library.ucsf.edu/tobacco/) of the digital Tobacco Library has just gone live, the most advanced version yet of its online collection—and the most important collection of leaked secrets anywhere in the world. There are a lot of things I like about the Tobacco Library story—it’s one of those rare stories in which good really does triumph over evil, in which the work of heroes will save the lives of literally tens of millions of people, and for me it’s a rare story in which I get to talk up the good that tech can do. It’s thanks to technology that tens of millions of these company documents are open to researchers and journalists—a raw look into the bowels of corruption. These documents have helped shaped anti-smoking laws around the world and saved countless people from a painful, drawn-out death in the process. Before getting into the tech side of this story, it’s important to understand the stakes in the tobacco conspiracy: **Every year, cigarettes still kill roughly 480,000 Americans. Worldwide, tobacco kills six million people per year. In all, tobacco killed over 100 million people in the 20th century, and cigarettes are expected to kill 1 billion people worldwide this century. There is nothing to compare to that death toll in all of human history, not even guns or nukes or the deadliest wars.** Whereas tobacco brings nothing but misery for profit, at least you can say that some wars have achieved a greater good—defeating fascism, liberating oppressed groups. The one persistent argument made in tobacco’s defense  -- an argument heavily funded and promoted by Big Tobacco -- is the false idea that those millions killed by smoking did so by their own “choice.” Leaving aside the billions spent by Big Tobacco over the years to distort and conceal the medical science on tobacco, there are a few problems with that rationale, many of them helpfully revealed by the LTDL documents. Murder, They Wrote **In America, 50,000 people die a year from second-hand smoke; worldwide over 500,000 people die a year from second-hand smoke, which obviously wasn’t their choice**. Many of those who develop second-hand smoke diseases were exposed as infants or children, or in their workplaces; Tobacco documents reveal that the companies focused their efforts on getting “presmokers” under the age of 18 addicted, because “presmokers” are far more likely to become addicted for life to nicotine than people who start smoking later in life. Tobacco documents reveal that this target demographic is called “learners,” “replacement smokers,” “starters,” and “tomorrow’s cigarette business”; American Tobacco’s undercover operative proposed publishing articles to discredit an anti-tobacco scientist in a newspaper that no one would trace to the tobacco industry. Up to 90 percent of smokers are addicted, meaning they have no choice. By comparison, only 3 percent of those who drink alcohol are addicted. 81 percent of smokers say they regret having started smoking and cannot quit. Most addicted smokers started smoking between the ages of 13 and 15. Philip Morris conducted secret pharmacological studies about children and smoking in reports titled “Aggressive Monkeys” and “Hyperkinetic Child as Prospective Smoker”; Tobacco companies spike cigarettes with ammonia to create “crack nicotine” in order to maximize addiction; **Tobacco companies also targeted disadvantaged communities, including African-Americans and other minorities, and the mentally ill, because they too were more vulnerable to becoming lifelong cigarette addicts**. RJR Reynolds once ran a marketing campaign for Camel cigarettes in San Francisco code-named “Project Scum” targeting the homeless, alcoholics, and drug addicts; By the 1970s, tobacco companies started heavily targeting lower-income groups. A 1978 Philip Morris marketing memo argued for pouring more money into sponsoring NASCAR races over sponsoring the arts: “The most important problem I see with sponsorship of the arts is that it reaches the wrong target group. In the main the arts are more of interest to the A/B class than to the lower social classes C and D. Smoking is becoming more and more a C/D class habit... sport sponsorship fits the class and mass exposure criteria much better, and therefore sells more cigarettes per $ spent”; A Lorillard Tobacco Company memo from 1978 reads, "we must continually keep in mind that Newport is being heavily supported by blacks and the under 18 smokers". **In the late 50s, Lorillard pushed menthols on African-Americans by driving trucks full of Newports into urban housing projects and distributing them to blacks for free “like ice-cream trucks**.” Other code words for targeting minority communities with tobacco included “BHM” (Black + Hispanic market); **A 1970 Lorillard memo titled “Why Menthols?” explains how menthol cigarettes were marketed to exploit racist myths for profit:** Negroes, as the story goes, are said to be possessed by an almost genetic body odor. Now whether or not this is real is irrelevant. More importantly, Negroes recognize the existence of this “myth.” And they realize that “Whitey” does too. Now what does this have to do with menthol cigarettes? Here’s the theory: Negroes Americans smoke menthols to make their breath feel fresh. To mask this real/mythical odor. Let’s examine this theory a little... Jews, according to an RJR memo, “tend to gravitate towards lower tar brands”; while a 1973 Lorillard memo divided female smokers into eight segments on a sliding scale, from “Emotional Bra-Burning Extremists” and “Blatant Lesbians” to “traditional Women” and “Anti-Libbers.” A 1978 Lorillard memo to the company president about its best-selling brand, Newport, reads: The success of NEWPORT has been fantastic during the past few years. Our profile taken locally shows this brand being purchased by black people (all ages), young adults (usually college age), but the base of our business is the high school student. Lorillard’s biggest worry was the possibility that these fickle youngsters might quit, despite being the most prone to becoming addicts until death: “I think we must continually keep in mind that Newport is being heavily supported by blacks and the under 18 smokers. We are on somewhat thin ice should either of these two groups decide to shift their smoking habits.” Reynolds, maker of Marlboros and Camel, made explicit in their memos the need to hook young teens. A 1975 Reynolds memo, stamped “SECRET,” concluded, To ensure increased and longerterm growth for Camel Filter, the brand must increase its share penetration among the 14-24 age group which have a new set of more liberal values which represent tomorrow’s cigarette business. **These are not accidents, as the tobacco library reveals, but rather carefully plotted designs by some of the most profitable corporations in history. It is a profit model that is like a dream come true for the most bloodless capitalists. Warren Buffett, the second richest man in the world and darling to some of the more gullible liberals,** [**explained why**](http://articles.baltimoresun.com/1994-05-30/business/1994150090_1_tobacco-rjr-nabisco-cigarette) **he purchased a large 5 percent stake in RJR Reynolds and took a board seat at the tobacco giant: I’ll tell you why I like the cigarette business. It costs a penny to make. Sell it for a dollar. It’s addictive**. New York Times columnist Bob Herbert in 1993 thrashed some of the leading African-American charities that took Philip Morris’ blood money to help launder the tobacco giant’s reputation—NAACP, the Urban League, and the United Negro College Fund were among those he named. (More recently, the United Negro College Fund sparked controversy when it took [$25 million](http://www.salon.com/2014/07/25/koch_brothers_new_racial_gambit_whats_really_behind_a_quiet_battle_with_afscme/) from the [Koch brothers](http://www.salon.com/2014/09/04/exclusive_new_secret_koch_tape_reveals_united_negro_college_fund_plot/), longtime allies of Big Tobacco and leading funders of climate change deniers). Herbert quoted the once-ubiquitous Winston Man from the magazine ads, David Goerlitz, who recounted what a Reynolds executive told him during a photo shoot: Goerlitz asked the executive during a break if he or his Reynolds colleagues smoked, to which the Reynolds exec shook his head, and [replied](http://www.nytimes.com/1993/11/28/opinion/in-america-tobacco-dollars.html), Are you kidding? We reserve that right for the poor, the young, the black and the stupid.

# Rape Survivors Journalism PIC

## 1NC

#### Text: Public colleges and universities in the United States ought to restrict the ability for campus newspapers to release personal identities of sexual assault survivors, and ought to lift restrictions on all other constitutionally protected speech.

#### Campus newspapers have publicly named rape survivors – this is dangerous and should be banned.

**Schworm:** Schworm, Peter [Contributor, The Boston Globe] “Naming of Rape Victim leads to dispute at Bridgewater State.” *The Boston Globe.* April 2012. RP

\*\*\*Bracketed for offensiveness

BRIDGEWATER - **A college newspaper that printed the name of a rape [survivor] ~~victim~~ who spoke at a recent rally against sexual violence has caused an angry backlash on campus here and touched off controversy over the administration’s response**. On Friday, the editor of the Bridgewater State University student newspaper remained adamant that she will resist growing calls to remove the online version of the article, while the paper’s faculty adviser contested his apparent ouster. The imbroglio features conflicting accounts from college officials and the newspaper, underscoring the often tense relationship between campus administrators and student newspapers and the emotionally charged ethical debate over whether it is ever acceptable to name sexual assault victims. **In its April 11 edition, The Comment newspaper published an article about a female student who shared her experience of being raped and coping with the aftermath.** The student identified herself by name at the “Take Back The Night’’ march, according to Mary Polleys, the newspaper’s editor. **The rally was held on campus and attended by some 200 people. The article drew immediate protests from students who considered it a potentially dangerous invasion of the woman’s privacy, and on Wednesday Polleys was called to meet with Dana Mohler-Faria, the university president. Polleys said Mohler-Faria threatened to shut down the paper and urged her to remove the article, saying it was “unconscionable’’ they had refused to do so**. He also said he would forbid administrators from speaking to the newspaper in the future, she said. “Personally, I was furious over the whole thing,’’ said Polleys, a senior who has worked on the paper for three years. “There’s no question he was trying to intimidate us.’’ A university spokesman said Mohler-Faria “certainly encouraged’’ Polleys to remove the article to protect the student’s privacy, but did not demand it. He denied that Mohler-Faria threatened to shut down the paper. “There’s absolutely no question in the university’s mind that the paper has the right to print what it wants,’’ said the spokesman, Bryan Baldwin. “But when there are questions of the validity of facts and when there are questions of the rights to privacy, that deserves a conversation.’’ Administrators had received dozens of complaints about the article, Baldwin said. “He was certainly very concerned, based on the reaction,’’ he said of the college’s president. The controversy also led to the removal of the newspaper’s faculty adviser, David Copeland, amid conflicting accounts of the circumstances. Baldwin said that Copeland, a part-time journalism instructor, indicated he would step down at the end of the academic year of his own accord, in compliance with a rule banning part-time faculty from advising clubs. “In no way, shape, or form was there any pressure for him to step down by the university,’’ he said. Copeland’s position was an exception to the rule, Baldwin said. But Copeland took issue with the university’s account. “I need to state in no uncertain terms: I have not resigned or otherwise left my position as the adviser to The Comment,’’ he wrote in an e-mail to faculty Friday. “Nor do I intend to.’’ Copeland said the newspaper staff voted this fall to have him stay on as adviser for four terms and that he intends “to fulfill that commitment.’’ Media specialists said college administrators are often quick to exert pressure when school newspapers cover sensitive topics. Robert Shibley, senior vice president of the Foundation for Individual Rights in Education, said college administrators often attempt to coerce student journalists to “follow the administration’s preferences.’’ Polleys said the article included one piece of information that the woman did not mention in her speech - the college where the rape occurred. The reporter found that information from the woman’s online profile, she said, and decided to include it because the woman has a relatively common name. Polleys said she is surprised by the anger over the article, noting that students have discarded copies of the newspaper in protest. The event had been publicized and featured a number of students who identified themselves as survivors. “It was a very public event,’’ she said. “She was brave enough to stand in front of 200 people and share her story, and I didn’t think there would be a problem with giving her a greater audience.’’ Polleys said the woman expressed concern that the story would make it easier for her assailant to find her and asked Polleys to remove the online version. But Polleys defended the story and said she would not bow to outside pressure. “I think it would set a dangerous precedent,’’ she said.

#### It competes -- SCOTUS has ruled that newspapers have a constitutional right to disclose identifies of rape survivors

**Denno:** Denno, Deborah W. [Contributor, Associate Professor of Law, Fordham University School of Law; B.A., 1974, Uni- versity ofVirginia; M.A., 1975, University ofToronto; Ph.D., 1982, J.D., 1989, Univer- sity of Pennsylvania.] “Perspectives on Disclosing Rape Victims' Names.” Fordham Law Review. Volume 61. 1993. RP

\*\*\*Bracketed for offensiveness

**The great majority of news organizations in this country do not publish the names of alleged rape [survivors] ~~victims~~ either at the time the rape is reported or when the victim testifies at trial**.' This "conspiracy of si- lence" is based, in part, on the media's recognition that rape is more personal, traumatic, and stigmatizing than other crimes.' Rape victims are also treated differently than other crime victims by American society and the criminal justice system. Two years ago, NBC Nightly News sparked a nationwide debate when it broadcasted the name of the woman who had accused William Kennedy Smith of rape after her identity had been disclosed by two tab- loids. The accuser had not wanted her name revealed and was said to have been "shocked" by NBC's decision.' **Although several news organizations, including The New York Times," subsequently revealed the accuser's name, the other major television networks and most media did not. To date,** the United States Supreme Court has protected a news organization's decision to disclose a rape victim's name even though three states-Florida, South Carolina, and GeorgiaP-have statutes prohibiting the media from doing so. Florida Star v. B.J.F.,' the Court's most recent ruling on this issue, however, has left undetermined whether, in certain circumstances, a news organization violates a rape victim's constitutional right to privacy by revealing her name." Although no news organization was found liable for revealing the alleged rape victim's identity in the William Kennedy Smith case, the disclo- sure nonetheless touched a century-long conflict between two cherished values: the individual's right to privacy and the freedom ofthe press as guaranteed by the First and Fourteenth Amendments.'

#### Reporting the names and details about survivors of sexual violence causes stigma – the counterplan solves by enabling people to *control their identities*.

**NAESV:** National Alliance to End Sexual Violence [Organization that fights sexual violence] “Naming Victims in the Media.” 2017. RP

\*\*\*Bracketed for offensiveness

**Some people argue that journalists should identify [survivors] ~~victims~~ of rape or sexual assault in news stories because they should be treated like any other crime victims. This position ignores important and unique aspects of the crimes of rape and sexual assault. Although rape and sexual assault occur at an alarming rate in our society, the vast majority of these crimes remain unreported. ~~Victims~~ [Survivors] remain silent because they fear being subjected to the intense public scrutiny and blame that often follow being named in the media. Our culture continues to condemn the [survivors] ~~victim~~ for rape and, as a result, an extraordinary amount of shame and silence follow the crime. Publicizing the name of a rape complainant under these conditions only deters more victims from coming forward. As a result, the NAESV urges members of the news media to adopt the following policy on publishing the names of persons who come forward with a change of rape or sexual assault. It is the policy of this news organization not to publish the names of minors who come forward with allegations of sexual abuse or rape and to avoid reporting stories in such a way that these minors are identifiable.** Barring extraordinary circumstances, it is also the policy of this news organization not to publish the names of adults who come forward with allegations of sexual abuse or rape unless those individuals are willing to be named in the media. Members of this news organization will report these stories with sensitivity toward the stigma associated with being publicly named. Others argue that, until more people are named as sexual assault victims, the stigma attached to being a victim will not fade away. They contend that the news media should therefore publish the names of victims who come forward with allegations as a way to decrease the stigma of rape. The NAESV believes, however, that we should not advance social change on the backs of unwilling and traumatized victims, who have so recently been used for others’ ends. **Fortunately, many brave [survivors] ~~victims~~ are increasingly willing to be named publicly. Part of their healing process may be to stand up and declare that they have no shame in what has been done to them and that the experience of rape is all too common in this culture. We ask that members of the news media report their stories, which are crucial for our society to hear.**

# [edit] Cartoons PIC

## 1NC

#### Public colleges and universities in the United States ought not restrict any constitutionally protected student publications except language, cartoons, or images intended to degrade others on the basis of race.

León writes: León, Felice. [Multimedia Editor, *The Root*] “College Paper Prints The Most Racist Front Page in America.” *The Daily Beast*, October 27, 2015. CH

The cover of [A] college newspaper features a blackface cartoon. The focal point of the illustration is a young black man—depicted with bulging eyes and an exaggerated white mouth. He proudly walks through a decrepit neighborhood, clenching a diploma and donning a red graduation cap and gown. On a street lined with dilapidated houses, a broken-down car (on cinderblocks), and a crooked stop sign, our character continues forth, apparently unfazed by the disarray that surrounds him. The year is 2015. And this cartoon is racist. Published in Cardinal Points—an independently owned and operated student-publication—the blackface cartoon made waves in Plattsburgh, New York, particularly on SUNY Plattsburgh’s campus. Shocker. The publication is funded through advertising and subscriptions (the Plattsburgh Student’s Association is among the subscribers). Students join the newspaper staff as a practicum. Ironically, the article that accompanied the cartoon discusses diversity—with the headline “Minority Admission Rates Examined”—and the inner caption reads “EQUAL: PSUC diversity valued.” The story speaks to SUNY Plattsburgh’s diversity effort and touts the university as being “extremely diverse” due to its especially large international enrollment of approximately 16 percent. VIA INSTAGRAM Despite a “strong” international presence on campus, the North Country is no stranger to bigotry. Plattsburgh, New York, is home of the only KKK chapter in New York State. And it follows that this isn’t the first time that Plattsburgh State University has dealt with racism. Indeed, Cardinal Points itself published an article this year that describes a pervasive racist ­milieu[.] in the town—which includes the use of racial slurs. The n-word seems to be a favorite. The cartoon’s illustrator, Jonny Zajac, in an Instagram post said “My favorite person in Plattsburgh #niggers.” His Instagram account has since been deactivated. Yes, there is a problem with racism at SUNY Plattsburgh. On Monday morning, John Ettling, president of SUNY Plattsburgh University, said that he was offended by the illustration in a statement issued to the campus community. “The front-page illustration in Friday's edition of the Cardinal Points student newspaper does not reflect a range of values SUNY Plattsburgh holds dear. Rather, as the editors of Cardinal Points indicated in their own written apology, the cartoon features offensive and stereotypical elements that misrepresent African-American students. It is also personally offensive to me.” The pink elephant in the room: How was a blackface cartoon allowed to be on the cover of Cardinal Points in the first place? “This was a procedural failure on the part of the students,” said Jonathan Slater, the Department of Journalism and Public Relations chair. Slater was commenting on behalf of Shawn Murphy, the Cardinal Points staff adviser, who was unavailable for comment. “Ostensibly, it [Cardinal Points] is autonomous of the college,” he said. Yet the Cardinal Points is a practicum, with its student leadership being chosen by Murphy, the staff adviser. Slater continued, “Every week there is a procedural review of the paper’s content.” This procedural review occurs on Mondays, after each publication is distributed Friday of the preceding week. This review is a debrief: What worked and what didn’t work? And pre-emptively, there is a review process of all of the paper’s content—including images. But, as Slater does not oversee the practicum, he was unable to speak to the review process before each edition goes to print. Slater finished, “We expect them [students] to use this experience as a tool for their future careers.” Through this process, the Cardinal Points editorial staff issued an apology for the poor decision. “It has come to our attention that the graphic in question not only has a disconnect to the article it was created to work with, but it also unintentionally features offensive and stereotypical elements that misrepresent African­American students. To be frank, we deeply regret the use of this graphic and any offense or harm it may have caused our friends and peers. As SUNY Plattsburgh students and editors of the newspaper, we are constantly trying to represent the campus community in the best possible way, and in this case, we did not do so.” Perhaps this apology is on behalf of the staff adviser, Shawn Murphy, as well. What comes after the mea culpa (and the non mea culpa)? Indeed, [C]ommunication is a powerful tool. But, in this case it seems passive and starkly insufficient. AKEBA, the SUNY Plattsburgh Black Student Union, held a town hall meeting on Monday, but this barely scrapes the surface. It behooves administrators to go beyond “discussion” and create a more aggressive plan to promote diversity and combat racism[.] that looms in the locality. Saying “my bad” isn’t enough when students feel threatened in a place where (in theory) they are expected to thrive. In the words of Jelani Cobb, “Slavery did not begin because of miscommunication.”

#### Schools’ putting the burden on targets ACTIVELY CONDONES racism.

**Matsuda:** Matsuda, Mari. [Associate Professor of Law, University of Hawaii] “Public Response to Racist Speech: Considering the Victim’s Speech.” *Michigan Law Review*,Volume 87, August 1989. RP

**The third doctrinal pillar supporting racist speech is the refusal to recognize that tolerance and protection of hate group activities by the government is a form of state action. To allow an organization known for violence, persecution, race hatred, and commitment to racial supremacy to exist openly, and to provide police protection and access to public streets and college campuses for such a group, means that the state is** promoting **racist spee**ch. If not for such support, hate groups would decline in efficacy. The chilling sight of avowed racists in threatening regalia marching through our neighborhoods with full police protection is a statement of state authorization.283 **The Klan marches because marching promotes the Klan, and because of the terrorizing and inciting effect of its public displays. Open display conveys legitimacy. The government advances this effect when it protects these marches. In addition, the [F]ailure to provide a** legal **response limiting hate propaganda elevates liberty interests of racists over liberty interests of targets.** A member of the Georgia Bureau of Investigation, for example, once suggested to whites targeted for hate speech because of their association with African Americans that they should avoid being seen in cars with African Americans, and cease inviting African Americans to their homes.284 The effect of racist propaganda is to devalue the individual and to treat masses of people in a degraded way with no measure of individ- ual merit. This is precisely what civil libertarians oppose when the state acts.285 Because racist speech is seen as private, the connection to loss of liberty is not made. **State [S]ilence, however, is public** action **where the strength of the new racist groups derives from their offering legitimation and justification for otherwise socially unacceptable emotions of hate[.], fear, and aggression**.286 The need for a formal group, for a patriotic cause, and for an elevation of the doubting self are part of the traditional attraction of groups like the Klan. **Government protection of the right of the Klan to exist publicly and to spread a racist message promotes the role of the Klan as a legitimizer of racism.**

#### Hate speech causes genocide

**Delgado and Stefancic:** Richard Delgado and Jean Stefancic [Delgado is Charles Inglis Thomson Professor of Law, University of Colorado. J.D., U. Cali- fornia-Berkeley, 1974. Stefancic is theTechnical Services Librarian, University of San Francisco School of Law. M.L.S., Simmons College, 1963; M.A., University of San Francisco, 1989. “FOUR OBSERVATIONS ABOUT HATE SPEECH.” *Wake Forest Law Review.* Volume 44. 2009. RP

**With general hate speech, such as anonymously circulated flyers or speeches to a crowd, the harms, while diffuse, may be just as serious. Recent scholarship shows how practically every instance of genocide came on the heels of a wave of hate speech depicting the victims in belittling terms.75 For example, before launching their wave of deadly attacks on the Tutsis in Rwanda, Hutus in government and the media disseminated a drumbeat of messages casting their ethnic rivals as despicable.76 The Third Reich did much the same with the Jews during the period leading up to the Holocaust. When the United States enslaved African Americans and killed or removed the Indians, it rationalized that these were simple folk who needed discipline and tutelage, or else bloodthirsty savages who resisted the blessings of civilization.** When, a little later, the nation marched westward in pursuit of manifest destiny, it justified taking over the rich lands of California and the Southwest on the ground that the indolent Mexicans living on them did not deserve their good fortune. Before interning the Japanese during World War II, propagandists depicted the group as sneaky, suspicious, and despotic. **It is possible that the connection between general hate speech and instances of mass oppression may not be merely statistical and contingent, but conceptual and necessary. Concerted action requires an intelligible intention or rationale capable of being understood by others. One cannot mistreat another group without first articulating a reason why one is doing it**—otherwise, no one but a sadist would join in. Without a softening-up period, early steps toward genocide, such as removing Jews to a ghetto, would strike others as gratuitous and command little support. Discriminatory action of any kind presupposes a group that labors under a stigma of some kind. The prime mechanism for the creation of such stigma is hate speech**. Without it, genocide, imperialism, Indian removal, and Jim Crow could gain little purchase.**

# GSU Obscenities PIC

## 1NC

#### Text: Governors State University ought to restrict campus journalism that contains obscene images depicting nudity and all other public colleges and universities in the United States ought to lift restrictions on constitutionally protected journalist speech.

#### Governors State University has a large population of children on campus who are damaged by obscene images in the newspaper – this ought to be banned, but is protected by an extension of Hazelwood.

**Hopkins:** Hopkins, Michael [J.D. Candidate, May 2008, The John Marshall Law School.] “COMMENT: HEMLOCK IN THE MARKETPLACE: HOW FREEDOM OF THE PRESS FOR COLLEGE NEWSPAPERS POISONS THE FIRST AMENDMENT.” *The John Marshall Law Review.* Summer 2007. RP

In **the analysis of freedom of the press issues between college and high school students, age distinctions flow in and out of arguments** - conflations lose sight of differences, and efforts to separate lose sight of similarities. This confusion undermines analysis from the outset. However, one constant remains: **Opposition to Hazelwood's application to colleges relies in no small part on the differences in ages and intended audiences**. Proponents of a free college press decry any hint of restraint on college journalists because of their maturity. **In- deed, arguments for college press restraints that assume any chronological immaturity of student readers or journalists must fail; it is not at all unusual for college students to be in their late twenties or thirties**. Thus, if some rule that accepts the notion of restraint of a college press is to be fashioned, it must find its source in something other than a student journalist's having had a limited amount of time to loiter on the planet. **At Governors State University, the center of the Hosty storm, the average student age is thirty-four. Presumably, this maturity should leave students receptive to and, ultimately, sharper for their exposure to newspaper covers depict- ing Jesus with an erection, or statements that college professors operate telephone sex lines**. But the maturity sen- timent is built on a false predicate. **Given the average age of a Governors State University student, it is reasonable to assume the "average" university student at GSU is likely the parent of a child, or children, ages newborn to sixteen. Where protestations are predicated on forging new minds within the university community, lost in the calculus is that community means just that: community. At a school where the average student age is thirty-four, there are bound to be children in tow. Where children follow, children see; where older children follow, older children read. And so the cases have come full circle, with a potential reading audience back to the ages tendered in Hazelwood. Current First Amendment protections for college journalists apparently leave no barrier between the five-year-old in tow and an image of Jesus on the cross with an erection. Libel aside, this seems a freedom of dubious value to the college student or journalis**t. Notwithstanding maturity issues, there is a strong similarity between high school and college journalists: Neither has the education or experience to be a journalist. News organizations hire reporters who have, minimally, a bachelor's degree. Advancement may even require a graduate degree. Even that may not be enough for the fledgling reporter to find voice at a major news outlet. Larger news organizations enjoy the luxury of demanding several years of experience. In preparing for a career as a journalist, then, high school students and college students are less part of separate and distinct categories of journalists than they are individuals engaged in a continuum of preparation. That one may be older and more mature in one stage of the process than in another does not suddenly imbue the student with a completed education or experience. College is where future professionals learn their craft; it is not a forum for accomplished professionals to ply their trade. **Given the harm irresponsible and unethical journalism can inflict, there seems little difference between allowing a first year medical student to perform unassisted surgery and allowing a student journalist all of the powers of the First Amendment.**

#### Young children seeing obscene images is psychologically damaging, creates internalized sexism, and harms development.

**Collins:** Collins, Lois M. [Contributor, Deseret News] “The end of innocence: The cost of sexualizing kids.” *Deseret News.* September 2011. RP

Editor's note: Because this is a story that deals with a sensitive subject, we have gone to great lengths to not include offensive material. Conversely, to fully show the breadth of the issue, the story includes mature subject matter. This is first in a series on the sexualizing of teens. The second story [examines what parents and teens are doing to fight back](http://www.deseretnews.com/article/700180370/Sexualizing-kids-No-child-left-behind-2-and-fighting-back.html). Deseret News editorial: [Fighting oversexualization](http://www.deseretnews.com/article/700180355/Fighting-oversexualization.html) SALT LAKE CITY — **Even in a mall in Utah, one of the most conservative states in the country, bodies scream for attention. On a late summer afternoon, a teenage "novelty" shop employee stands atop a ladder in super-short shorts, midriff showing, arranging merchandise. It's not clear if she knows how very much of her is on display. But the teenage boys ogling her do. She's just feet from a rack of T-shirts emblazoned with stick figures interacting provocatively. Further into the store, Super Mario backpacks share an aisle with a "how-to guide" showing a sex act on the cover. Families brush by mannequins in thongs and panties as they step into a lingerie store.** In this mall, they will pass scores of massive photos featuring couples in various stages of dress and undress looking soulfully at each other. One ad campaign, taped to a storefront window, shows a teenage male model — the caption: "Get into our pants." **Even toddlers in promotional posters wear skimpy clothes, vampy looks and makeup. At home later, the children will likely watch TV. Little ones, 2 to 11, average 32 hours a week.** Those 12 to 17 average 23 hours, says a University of Michigan Health System study. During those hours, they'll drink in ads for hair products and teen-siren TV shows, makeup and technology, much of it couched as "hot" or "sexy." Even seemingly innocent sports video games often play out against a backdrop of sexually suggestive cheerleaders. From an early age, children are inundated with sexual images every single day. Experts say they will pay a heavy price. **Children and teens are becoming "sexualized" and researchers and psychologists say it hits girls particularly hard, shaping their view of themselves and their potential, as well as how others view them. The effect on young girls and adolescents is most profound, the American Psychological Association (APA) says, because "their sense of self is still being formed." Sexuality is not the same as sexualization. Sexuality evolves in children as they develop a healthy curiosity and growing understanding of their bodies. Sexualization occurs when someone's sense of their own value is based solely on sex appeal or that individual is held to narrow standards of attractiveness, says the APA Task Force on the Sexualization of Girls, which issued reports in 2007 and 2010. It happens when a person is "sexually objectified" — made into a "thing" for others' sexual use. Ads, movies and TV shows do that sometimes by showing women as body parts, not whole people**. It also refers to someone who has had sexuality imposed on them, like little girls depicted as older and more worldly. Sexualization, experts say, devalues accomplishment, intelligence and character. Pope John Paul II once said "the problem with pornography is not that it shows too much of a person, but that it shows far too little." The same can be said when people are valued only for sex appeal, says Jason Evert, a San Diego-based author and motivational speaker, who addresses thousands of teens each year. Sexualization has been going on for decades, largely unnoticed, the elevator music of American life. "**Kids learn from a lot of sources," says Steve Thomsen, communication professor at Brigham Young University. "It's true they learn from parents and other socializing agents like church and school, but they also learn an awful lot from media.** They rely on media as a way to learn about their world. What they see is what they assume is normal." **At a "very young age, sexuality becomes a component of their self-concept.** That's what they see. They discover relationships with members of the opposite sex at younger ages. Music has content that pushes the envelope. With a combination of a lot of factors, children at 10 or 11 now think the way someone two generations ago reached at 19 or so." Standing in the same Salt Lake area mall next to her granddaughter, Sandy Sadler says she believes kids are growing up much faster, something she blames in partly on the Internet and ready access to images and information, whether a child's mature enough for it or not. It's an issue both simple and complex. "Young women and girls lack the tools to validate themselves. They look outside themselves for validation," said a 2007 study by the Women's Foundation of California on pop culture impact on girls and young women. It affects, they said, "identity, behavior and opportunity." That's the simple part. The complexity is all the ways sexualization hinders development, from failure to form healthy self image to the normalization of sexually degrading behavior, the report said, adding that "media teaches girls and young women the MOST important thing is how we look. Not living up to the unrealistic image impacts mental health." Those with family support, safe environment, adult role models and activities that emphasize healthy body image are less likely to take part in destructive behaviors than peers who lack those assets. But the so-sexy message is pervasive. **Youth are bombarded with sexuality and violence at even younger ages, when they are not prepared to handle it**, said Sherrie Uczekaj, a mom who was shopping with a group of kids at the mall. That sentiment is echoed by Evert, the California-based teen motivational speaker, who says it's easy to find examples of sexually degrading behavior, but there's not enough talk about healthy sexual behavior. "As a society, we know more about women who look good than we know about women who do good," wrote Audrey Brashich in "All Made Up." "The most celebrated women today are famous primarily for being thin and pretty, while women who are actually changing the world remain comparatively invisible." When researchers at the Annenberg School of Communication and Journalism at the University of Southern California analyzed 100 top-grossing films of 2008 for a study that came out this April, they found teen girls were more apt to wear sexy, provocative clothing (40 percent) in movies than older females. They were also as likely to appear partially naked as older females (30 percent). Lead researcher Stacy Smith said "the data speaks to an overemphasis on beauty, thinness and sexualization of women at younger and younger ages." The APA spots examples across all media types, from video games and the Web to music videos, magazine ads and even children's toys. Look at Bratz dolls, APA says, marketed for girls 7 to 10, dressed in minis and fishnet stockings, tight jeans and skimpy tops, as examples of dolls that depict "sexy". MGA, the maker of Bratz, declined comment. There's a progression, says Diane Levin, co-author of "So Sexy So Soon". Little girls love baby dolls, then Barbie dolls, then Hannah Montana. Who can forget Miley Cyrus, who played Hannah, pole dancing at the Teen Choice Awards or posing semi-nude for Vanity Fair? It's not just the quantity of depicted sex, either, they write. "Sex in commercial culture has far more to do with trivializing and objectifying sex than with promoting it, more to do with consuming than with connecting. The problem is not that sex as portrayed in the media is sinful, but that it is synthetic and cynical. The exploitation of our children's sexuality is in many ways designed to promote consumerism, not just in childhood but throughout their lives." Identical twins Lexie and Lindsay Kite, doctoral candidates at the University of Utah, have studied sexualization for years. Lexie notes sexualization of women and little girls is both "extreme" and "normalized" in media. Her examples include Vogue covers featuring small girls made up and posed like grown women, thongs and push-up padded bras for children as young as 6, Walmart's line of 70 make-up products for girls 6 to 12. It's happening, she says, to make a profit. When they look in the mirror and what looks back is not sexy and pouty and perfectly thin, "little girls get really serious body hatred and anxiety," says Lexie. The feeling stays as they grow into women. According to the American Society for Aesthetic Plastic Surgery, the number of women 18 and younger who have had breast enlargements has risen nearly 500 percent over the past decade. Models and movie stars are routinely photographed using filtered lenses and false lighting. An editor can easily make wrinkles or pounds go away with digital editing tools, Lexie said. Girls are encouraged to emulate a standard that is not only unattainable — it's fiction. "We create a really harsh environment for females. They grow up so early. 'You need to buy these things to grow up.' We villainize women for growing older. You don't see a woman represented positively unless she has youth and fitness and is sexual," she says. Real girls don't stand a chance. The total effect, from the advertising to how women are portrayed, has become "normalized pornography," Lexie Kite says firmly. Laura Christensen's daughters, Katie, now 19, and Rachel, 23, were teased because they didn't have boyfriends — in sixth grade. What she found most maddening, though, were magazine ads. "Ads targeting kids my daughters' age and younger," said Christensen, of Sandy. "You're not good enough without these products. Life is meaningless without a guy." While researching this story, Deseret News reporters asked several children what ads try to tell them. A girl, 13, said hair product commercials are made so she will picture herself "more pretty, slick, together." She says when she sees them she imagines an edited, unrealistic version of herself. "It's a Photoshop think," she admits. Lexie and Lindsay Kite believe fitness magazines create more body-image misery than the fashion and lifestyle magazines so often criticized for too-sexy depiction of females. They looked at Self and Shape. On their blog, [BeautyRedefined.net](http://beautyredefined.net/), the twins said they ride a crest of popularity that includes studies showing health and fitness magazines trail only doctors as a source of health information for women and families. The Kites found that "beyond objectification of bodies and the perpetuation of beauty ideals," they emphasize fitness in terms of appearance, not ability and wellbeing. The magazine slogans could be "weigh less, smile more." The APA report notes that advertising across mediums has long sent confusing, sexualized messages, like Skecher's 2004 "naughty and nice" ad with a pig-tailed Christina Aguilera as a schoolgirl with her shirt unbuttoned, licking a lollipop. Girls are maturing much younger than they were even 10 years ago. About 15 percent of girls now start puberty at age 7 and 27 percent at 8, according to a study of 1,239 6- to 8-year-old girls published last year in the journal of the American Academy of Pediatrics. So where does sexualization start? It's an assault on multiple fronts, the targets younger and younger. Researchers at Ohio's Kenyon College looked at 15 popular U.S. store websites this year and concluded nearly a third of girls' clothing sizes 6 to 14 is "sexy." They defined it as clothing that highlighted a sexualized body part, had traits associated with sexiness or had sexually suggestive writing. They looked for it in tandem with childlike characteristics, like polka dots and modest cuts. "Tween" stores — those serving kids 8 to 12 — had the highest proportion. It seems to Lisa Newberg that her boys, 13 and 17, are as inundated by sexual images as any girls are. Even kid-rated video games have characters with cleavage hanging out and skimpy clothing. Online video games have suggestive pop-up ads. She and her husband put parental monitors on the computers so the boys can't get into sites they shouldn't be on, and they talk about "not being in a position where you find yourself feeling like you need to do what the other kids are doing," she says. The bombardment at younger ages also affects boys more than it used to, says a study released this summer which found boys mature faster than they used to. Lead author Joshua Goldstein says since the mid-18th century boys have matured about 2.5 months faster each decade. Girls' "sexier" clothing has a direct impact on boys, says Evert, the motivational speaker. "Men are very visual," he tells teenagers. "When a women dresses in a provocative way, it is basically telling us that is the best thing she has to offer. The body isn't bad, it's beautiful. But the beauty of a women's body is so intoxicating to a man, it can eclipse the beauty of the person if too much of the body is showing." Many movies and TV shows geared toward teen boys celebrate men who sleep around and rap lyrics from stars like Lil Wayne and Jay Z often equate manliness with promiscuity. In fact, music videos may have the most extreme types of sexualization, says Jennfier Stevens Aubrey, University of Missouri professor. A study she released last month on the effects music videos have on college-age men found that "music videos place a great deal of emphasis on women's sexual appeal and reinforce the stereotype of women as sex objects, existing primarily for the pleasure of male spectators." Participants in her study who viewed highly objectified videos of female artists like Beyonce's "Upgrade You," Fergie's "Fergalicious" and even Hilary Duff's "Stranger" were more likely to think that interpersonal violence was okay in a relationship, that sexual harassment is not a valid social concern and that women are sex objects and use their bodies to unfairly manipulate men. Aubrey said while many artists like Lady Gaga, Brittney Spears and Katy Perry feel like they are empowering women by their easy use of their own bodies, "they leave a negative taste culturally" that presents women as sexual objects. Take 13-year-old Jenna Rose's music video "O.M.G." It starts with nine tweens in outfits so short they look like spandex underwear doing dance moves one might learn in a pole dancing class, without the pole. The lyrics are sexually suggestive. The video has had more than 2.3 million views on YouTube since March. With the advent of the Internet and YouTube, teens and tweens can access any music video they want, any time they want. Stevens found that by age 15, youths spend more time listening to music than they spend watching TV or with any other medium. For 13 percent of 11- to 14-year-olds, music videos are the preferred TV genre. And since TV, movie and video game ratings are not set by child development experts in America like they are in Australia, for instance, it is harder for parents to judge media accordingly."So Sexy" author Levin believes there has been a steady escalation of what is acceptable for teens and tweens. This summer, for instance, the Supreme Court said states cannot regulate sale of violent video games to minors. The Parents Television Council took aim at Hollywood, looking at all scripted programs for viewers 12 to 17 that ranked in Nielsen's top 25 primetime shows in the 2009-2010 season. They found that TV tends to sexualize underage girls more often than adult females. Every onscreen scene with sexualized depiction of underage girls included dancing, kissing, erotic touching and/or implied intercourse. It was not clear, the PTC noted, if the V-chip would help, since "75 percent of the shows that contained the content did not have an S-descriptor in the content rating." What they didn't find was a plethora of models of healthy sexuality, the report said. The more media people consume, the more likely they are to treat women and girls or themselves as an object, Aubrey says. "The media increases self-objectification for women. Girls begin to believe they are for someone else's pleasure. It's very dehumanizing." Her studies have shown that women who tend to objectify themselves are more likely to have eating disorders, have low sexual and self esteem, be sexual risk takers and have depression. The same is not true for men. Men are not only judged by their looks, but by things like their intelligence, assertiveness and accomplishments. As three teens enjoy a day at the mall on a late-summer day, two of them, named Carlee and Bethany, say they aren't sure how much they're affected by media images. But their friend Kenzie says she sees the impact. "They send out this message that girls have to be perfect all the time and that guys have expectations that you look like a model," she says. She wishes TV shows had more people with average weight and height. She knows models are the exception, but they make her feel bad about herself. "I envy them," she says starkly. "I think, 'Why can't I look like that?'" At malls and online stores popular with tweens and teens, it's easy to find merchandise like "Jerseylicious" shirts, tank tops with see-through lace backs and the word "Reckless" emblazoned across the front, and "funny" buttons like one with jousting unicorns that says "I'm horny." A store frequented by teens even features onesies for infants with messages too obscene to print in a family newspaper. Another has a line of posters featuring sultry-faced teens, some locked in topless embrace. A clerk at a downtown Salt Lake souvenir shop says the SL,UT (a play on Salt Lake, Utah) shirts fly off the shelves. Boys, too, are growing up in a different world than even a decade ago. Nick Uczekaj, 15, from Scottsdale, Ariz., said guys his age worry about having a girlfriend — some of his friends even have six. "You hear all these things from the media about what girls like, that they like the bad boy," he says. "It's confusing to know how to act." Sherrie Uczekaj was visiting the mall with her daughter's soccer group in June when they went into a Spencer's. Minutes later, she hurried everyone out. She couldn't believe what she saw out in the open in a store so clearly popular with youths: memorabilia with sex, drug and alcohol themes. "Kids see a lot more things today than they used to," she says. "They get inundated." Her daughter Emily, 13, says some of the friends she was close to growing up now use drugs. Another mother in the group, Nicollete Lemmon, belongs to notMYkid, where parents learn to help their children make good choices early. It teaches parents the signs of different behaviors, how to start a conversation and action parents can take. Hot topics on the website include substance and alcohol abuse, depression, eating disorders, safe dating and internet safety. The site says the average age a child first tries drugs is 13. Those who reach 21 without engaging in destructive behaviors probably never will, "which is why we passionately educate about current trends, warning signs and long-term impact of destructive behaviors. We believe proactive prevention on the part of kids, families and communities is the answer to long-term success." "You try to talk to your kids about it all without coming across as being judgmental," Newberg, of West Jordan, says. "I get a lot of 'Oh, Mom,' but the way I view it, if I say it enough it will stick somewhere in their heads." Newberg — and experts, too — fear boys will grow into men with unmeetable expectations. Psychologist Liz Hale, a marriage counselor, talks about men who are disappointed with women and marriage and sex. None of it lives up to the hype they've been force-fed for years. She knows women who give up on themselves because they can't attain the ideal. "The effect on boys is almost worse," says Christensen. "They grow up expecting that's what girls are and, frankly, none of us are that. It's hard to find a perfect woman when she doesn't exist."

## Frontlines

### A2 They Won’t Print

#### The counterplan text answers this – they did in fact print publications with an image of Jesus that was sexualized

#### The GSU newspaper, The Innovator, has a history of printing offensive issues.

**Hopkins:** Hopkins, Michael [J.D. Candidate, May 2008, The John Marshall Law School.] “COMMENT: HEMLOCK IN THE MARKETPLACE: HOW FREEDOM OF THE PRESS FOR COLLEGE NEWSPAPERS POISONS THE FIRST AMENDMENT.” *The John Marshall Law Review.* Summer 2007. RP

In Tinker, Justice Black was clearly bothered by the origin of the protected speech. Without addressing it directly, he noted non-plaintiff siblings of the Tinker plaintiffs, aged eight and eleven respectively, also defied the school rule against black armbands. He followed this observation by making note of the religious and political affiliations of the plaintiffs' parents. The subtext is clear: It wasn't the students' speech the court was protecting. The student papers in Hosty give rise to the same question Justice Black seemed concerned with: Whose speech is it, anyway? **At the heart of the Hosty case are publications prominently featuring The Innovator's one-time advisor, Geoffrey de Laforcade, and his disputes with the University over his termination**. It was a termination the student edi- tors were unwilling to acknowledge. Hosty's writing for the paper gave one-sided voice to de Laforcade's claims against the University and administrators who refused to renew his contract. **One article, which spanned several pages, included accusations of document alteration, racist comments, and mail tampering.** In the same issue, a letter to the editor penned by de Laforcade laid blame squarely at the feet of the college dean for a former colleague's suffering through kidney failure, as well as the colleague's inability to pay his aging mother's bills. **In a previous edition, Hosty stated that the dean's college was engaged in "confirmed unprofessional behavior ... which may prove to be illegal."** The article threatened student senate investigation of racial and religious discrimination and addressed de Laforcade's dismissal. Hosty further implied contract and due process violations on the part of the dean. Dr. Jacqueline Kil- patrick, who stated that de Laforcade was "unhappy" with her, likewise became a target of the paper. **Of course, this may mean nothing more than fealty to a respected former advisor, articulated through poorly-written and ethically unsound attacks. On the other hand, it stands for the proposition that the unrestricted First Amendment protection to student journalists and college newspapers in public universities provides a medium and a vehicle for attacks that have nothing to do with the marketplace of ideas, but rather with the personal agenda of anyone who has favorable access to an untouchable student journalist.**

# Cap K

#### 1] The idea of a free press is a myth of capitalism and prevents a real critique of the system

**Morley:** Morley, Daniel [Contributor, In Defense of Marxism] “Our Cherished Freedom of Speech Myth.” *In Defense of Marxism.* February 2015. RP

**On February 17th Peter Oborne, one of the UK's most respected journalists, resigned from the Daily Telegraph and publicly condemned its practice of placing advertisers interests above those of the truth. As a conservative liberal, Peter Oborne is concerned that our famed and cherished 'freedom of speech' is being undermined by business interests.** Freedom of expression is routinely and uncritically heralded as our society's proudest achievement to be defended at all costs. **It is always assumed that, essentially, we possess this freedom, and it is only necessary to preserve it in one way or another. In truth, under capitalism there is no such thing as free expression nor a free press, for capital decides everything**. “There is no such thing, at this date of the world's history, as an independent press. You know it and I know it. **There is not one of you who dares to write your honest opinions, and if you did, you know beforehand that it would never appear in print.** I am paid weekly for keeping my honest opinions out of the paper I am connected with. Others of you are paid similar salaries for similar things, and any of you who would be so foolish as to write honest opinions would be out on the streets looking for another job. “**If I allowed my honest opinions to appear in one issue of my paper, before twenty-four hours my occupation would be gone. The business of the journalist is to destroy the truth; to lie outright; to pervert; to vilify; to fawn at the feet of mammon, and to sell the country for his daily bread.** You know it and I know it and what folly is this toasting an independent press. We are the tools and vassals of the rich men behind the scenes. **We are the jumping jacks, they pull the strings and we dance. Our talents, our possibilities and our lives are all the property of other men. We are intellectual prostitutes.”**

#### 2] The notion of “free speech” existing absent control by the state positions speech as something that can be commodified

**Brown 1:** Brown, Wendy. [Professor of Political Science, University of California, Berkeley] “Undoing the Demos: Neoliberalism's Stealth Revolution.” *MIT Press*, 2015. RP

Importantly, however, **democracy is here conceived as a marketplace whose goods—ideas, opinions, and ultimately, votes—are generated by speech just as the economic market features goods generated by capital**.In other words, at the very moment that Justice Kennedy deems disproportionate wealth irrelevant to the equal rights exercised in this marketplace and the utilitarian maximization these rights generate, **speech itself acquires the status of capital, and a premium is placed on its unrestricted sources and unimpeded flow.¶ What is significant about rendering speech as capital? economization of the political occurs not through the mere application of market principles to nonmarket fields, but through the conversion of political processes, subjects, categories, and principles to economic ones.** This is the conversion that occurs on every page of the kennedy opinion. **If everything in the world is a market**, and neoliberal markets con- sist only of competing capitals large and small, and speech is the capital of the electoral market, **then speech will necessarily share capital’s attributes: it appreciates through calculated investment, and it advances the position of its bearer or owner.** Put the other way around, once speech is rendered as the capital of the electoral marketplace, **it is appropriately unrestricted and unregulated, fungible across actors and venues, and existing solely for the advancement or enhancement of its bearer’s interests.** The classic associations of political speech with freedom, conscience, deliberation, and persuasion are nowhere in sight.¶ How, precisely, is speech capital in the kennedy opinion? How does it come to be figured in economic terms where its regulation or restriction appears as bad for its particular marketplace and where its monopolization by corporations appears as that which is good for all?

#### The impact is resource wars, climate change, and structural violence.

Williams & Srnicek 13 (Alex, PhD student at the University of East London, presently at work on a thesis entitled 'Hegemony and Complexity', Nick, PhD candidate in International Relations at the London School of Economics, Co-authors of the forthcoming Folk Politics, 14 May 2013, <http://criticallegalthinking.com/2013/05/14/accelerate-manifesto-for-an-accelerationist-politics/)>. Recut by RP

At the begin­ning of the second dec­ade of the Twenty-​First Cen­tury, **global civilization faces a new breed of cataclysm.** These com­ing apo­ca­lypses ridicule the norms and organ­isa­tional struc­tures of the polit­ics which were forged in the birth of the nation-​state, the rise of cap­it­al­ism, and a Twen­ti­eth Cen­tury of unpre­ced­en­ted wars. 2. **Most significant is the break­down of the planetary climatic system.** In time, **this threatens the continued existence of the** present global **human population**. Though this is the most crit­ical of the threats which face human­ity, **a series of** lesser but **potentially equally destabilising problems exist along­side** and inter­sect with it**. Terminal resource depletion, especially in water and energy** reserves, **offers the prospect of mass starvation, collapsing economic paradigms, and new hot and cold wars. Continued financial crisis has led governments to embrace the** para­lyz­ing **death spiral policies of austerity, privatisation of social welfare services, mass unemployment, and stagnating wages. Increasing automation in production processes** includ­ing ‘intel­lec­tual labour’ **is evidence of the secular crisis of capitalism, soon to render it incapable of maintaining current standards of living** for even the former middle classes of the global north. 3. In con­trast to these ever-​accelerating cata­strophes, today’s politics is beset by an inability to generate the new ideas and modes of organisation necessary to transform our societies to confront and resolve the coming annihilations. While crisis gath­ers force and speed, polit­ics with­ers and retreats. In this para­lysis of the polit­ical ima­gin­ary, the future has been cancelled. 4. Since 1979, the hegemonic global political ideology has been neoliberalism, found in some vari­ant through­out the lead­ing eco­nomic powers. In spite of the deep struc­tural chal­lenges the new global prob­lems present to it, most imme­di­ately the credit, fin­an­cial, and fiscal crises since 2007 – 8, neoliberal programmes have only evolved in the sense of deep­en­ing. This continuation of the neo­lib­eral pro­ject, or neo­lib­er­al­ism 2.0, has begun to apply another round of structural adjustments, most sig­ni­fic­antly in the form of encour­aging new and aggress­ive incur­sions by the private sec­tor into what remains of social demo­cratic insti­tu­tions and ser­vices. This is in spite of the immediately negative eco­nomic and social effects of such policies, and the longer term fun­da­mental bar­ri­ers posed by the new global crises.

#### The alternative is to reject the aff as a recognition that there can be no truly free speech in a world framed by capitalism.

**Morley:** Morley, Daniel [Contributor, In Defense of Marxism] “Our Cherished Freedom of Speech Myth.” *In Defense of Marxism.* February 2015. RP

**In our society, there is** no true freedom of speech**, for it is a freedom only for those who command massive resources**. Freedom in the lives of the majority is fleeting, illusory and a cruel irony - the freedom to consume what media the capitalists have deemed important or profitable, and the freedom to be exploited, whether as industrial workers, journalists or struggling musicians. **A lucky few break through the tiny cracks in the system and these are held up as ‘proof’ of the freedom of the majority. It follows that the only way to create a truly free society, one in which the majority have equal access to the facilities of the media and in which culture is produced for the sake of genuine human expression, whatever form that may take, is to treat** all **these facilities - newspapers, TV stations, websites, music venues and the education system - as social goods freely available to all and under the democratic control of the masses**. But not only that. The enormous power of the ruling class stems primarily not from its ownership of the airwaves, but its control over production in general. **The long working hours, the general condition of relying on the capitalists for employment so that we may live, and all the social insecurity this creates, inhibits our creativity and confidence, it impoverishes us literally and spiritually. In these conditions, there can be no talk of real freedom of expression. The expropriation of the media empires under democratic workers control as part of a general plan of production to meet social need - that is the demand of those who fight for real freedom of expression!**

#### Reps come first – they don’t get to weigh the case

#### Deconstructing oppressive power structures requires a focus on discourse

**Karlberg:** Michael Karlberg Professor in the Department of Communication at Western Washington University. Wrote: Beyond the Culture of Contest: From Adversarialism to Mutualism in an Age of Interdependence. Ted Talks “The Power of Discourse and the Discourse of Power: Pursuing Peace through Discourse Intervention.” 2005.

**The ways we think and** talk about a subject **influence and reflect the ways we act in relation to that subject. This is the basic premise of discourse theory** (refer, for example, to Foucault, 1972, 1980; Hall, 1997; Phillips & Hardy, 2002). This paper is about the ways we tend to think and talk about *power*. In Western-liberal societies, our discourses of power are almost exclusively conflictual or adversarial. **Power tends to be associated with competition at best, coercion or domination at worst**. Given that the ways we think and talk about a subject influence the ways we act in relation to that subject, these adversarial discourses of power can be problematic because they obscure the mutualistic dimensions of power that have played a significant role in human history and that will need to play an even more significant role if we are to learn how to live together peacefully in an increasingly interdependent world. Peace researchers such as Kenneth Boulding (1990), along with feminist writers and theorists such as Hartsock (1974) and Miller (1982), have articulated alternative ways of thinking and talking about power for precisely this reason. These efforts can be understood as a project of *discourse intervention* – an effort to change our social reality by altering the discourses that help constitute that reality. To date, this project is still in a nascent stage and thus remains an important yet incomplete intervention in the Western- liberal culture of conflict. To further advance this project, an alternative discourse of power needs to be more clearly articulated. It also needs to be more fully reconciled with the conflictual models of power that are necessary for critical social analysis but insufficient as a normative framework for social practice. Toward this end, this paper briefly traces the contours of prevailing discourses of power by examining them in their most explicitly articulated form: academic discourses of power. After identifying the limitations of these existing discourses, the paper outlines an alternative vocabulary, along with a simple analytical schema, for thinking and talking about power in both its mutualistic and adversarial expressions. The paper concludes with an examination of how one alternative discourse community – the international Bahá'í community – is already constructing alternative models of social practice. **As a central concept within Western social theory, the academic study of *power* has been approached in many ways, yielding diverse and valuable insights**. For example, some theorists have focused on the different forms that power takes, as well as the bases or resources that permit the exercise of power (Wartenberg, 1990; Wrong, 1997); some have explored the complex relationship between the quantitative distribution of power and the processes of social consent that legitimate various expressions of power (Hindess, 1996); some have examined the changing ways that power circulates throughout societies, constructing social institutions as well as individual subjectivities, as it imposes order and discipline in historically specific ways (Foucault, 1980); and others have approached the subject of power from other theoretical perspectives. A review of such a rich and complex body of literature is, of course, beyond the scope of this article. **What this article will focus on is a dominant current of thought within late-twentieth-century scholarship that reflects popular Western-liberal** discourses and assumptions regarding power. In the latter half of the twentieth century, theorists of power began to invoke what has become a widely-used distinction between two broad ways of thinking and talking about power. This distinction is made by contrasting the expression “power to” with the expression “power over” (e.g., Connolly, 1974; Coser, 1976; Dowding, 1996; Hartsock, 1974, 1983; Lukes, 1986; Macpherson, 1973; Pitkin, 1972). As Wartenberg (1990, p.27) explains, the expressions *power-to* and *power-over* are a shorthand way of making a distinction between two fundamentally different ordinary-language locutions within which the term “power” occurs. **Depending upon which locution one takes as the basis of one’s theory of power, one will arrive at a very different model of the role of power in the social world.** The predominant model of power in Western social theory – what I call the *power as domination* model – derives from the latter of these expressions. Although “power to” is the basis of models in the physical and natural sciences, “power over” highlights issues of social conflict, control, and coercion, which have been the primary focus of Western social and political scientists. This *power as domination* paradigm traces back, either implicitly or explicitly, through the writings of diverse social and political theorists, from Machiavelli (1961) to Weber (1986) to Bourdieu (1994). It informed Hobbes’ (1968) notion of a “war of all against all” as well as Marx and Engels’ (1967) theory of historical materialism. Indeed, as Giddens (1984, pp. 256-7) points out, this conflictual model of power underlies virtually all major traditions of Western social and political theory, from the left and the right.

# Black Pain PIC

#### Text: Public colleges and universities in the United States ought not restrict any constitutionally protected speech, except for the creation of Black safe spaces free from journalist speech.

**Starr:** Starr, Terrell Jermaine. [Freelance Journalist] “There’s a Good Reason Protesters at the University of Missouri Didn’t Want the Media Around.” *The Washington Post*, November 11, 2015. CH

**Establishing a “safe space” was about much more than denying the media access; it was about securing a zone where students’ blackness could not be violated**. Yes, the hunger strike, the safe space and other demonstrations were protests, and protests should be covered. **But what was fueling those protests was black pain.** In most circumstances, when covering people who are in pain, journalists offer extra space and empathy. That didn’t happen in this case; these young people weren’t treated as hurting victims. Instead, after the confrontation with Tai, aggrieved journalists responded with a ferocity usually reserved for powerful entities with the means to inflict lasting damage on their First Amendment rights. This wasn’t a problem with Tai’s character or his journalistic integrity; he was doing his job, and his past outstanding work speaks for itself. But in this conversation over “public space,” we’ve overlooked the protesters’ message — that **conditions on campus make it an unbearable environment for black students to live and learn in.** Their approach to creating a safe space should have been better conceived but **reporters should also feel a responsibility to try to understand and respect their pain, instead of rushing to judge them and panicking about an imagined assault on press freedoms.**

#### Competition: The aff lets campus journalism cover all racial issues without restriction.

**Starr:** Starr, Terrell Jermaine. [Freelance Journalist] “There’s a Good Reason Protesters at the University of Missouri Didn’t Want the Media Around.” *The Washington Post*, November 11, 2015. CH

**Video of a confrontation between a news photographer and protesters at the University of Missouri on Monday led to a dispute between journalists and the activists’ sympathizers beyond the campus walls. In response to a series of racial issues at the university, a circle of arm-linked students sought to designate a “safe space” around an encampment on the campus quad. When they blocked journalist Tim Tai from photographing the encampment, reporters complained that media were denied access to a public space. Certainly, Tai – like any journalist – had a legal right to enter the space, given that it was in a public area.** But that shouldn’t be the end of this story. We in the media have something important to learn from this unfortunate exchange. The protesters had a legitimate gripe: The black community distrusts the news media because it has failed to cover black pain fairly. As a journalist, I understand how frustrating it is to be denied access to a person or place that’s essential to my story. I appeared with other journalists on local media in New York City to discuss our frustration over Mayor Bill de Blasio’s sometimes standoffish attitude towards the press. He is a public figure whose salary is paid with tax dollars. He is obligated to be accessible to us. The student protesters Tai encountered, though, didn’t owe him anything. They did not represent a government entity stonewalling access to public information. They were not public officials hiding from media questions. They were young people trying to build a community free not only of the racism that has recently wracked Mizzou’s campus but also of the insensitivity they encounter in the news media: **Newspapers, Web sites and TV commentary had already been filled by punditry telling black students to “toughen up” and “grow a pair.” Then, in the noisy conversation about First Amendment rights** that Tai elicited, journalists compounded the insult by drowning out the very message of the students Tai was covering.

#### Net Benefits:

#### 1] The aff lets media portray Black students in racist terms, increasing racial bias – empirics prove.

**Starr:** Starr, Terrell Jermaine. [Freelance Journalist] “There’s a Good Reason Protesters at the University of Missouri Didn’t Want the Media Around.” *The Washington Post*, November 11, 2015. CH

Further, as reporters, we have to drop our sense of entitlement and understand that not everyone wants to be subjects of our journalism. Our press passes don’t give us the license to bully ourselves into any and all spaces where our presence is not appreciated. It’s one thing to demand access to public lands; it’s another to demand access to people’s grieving. **In** **many communities that historically have been marginalized and unfairly portrayed by the media, there’s good reason people do not trust journalists: They often criminalize black people’s pain and resistance to racial oppression. We saw it in coverage of Ferguson and Baltimore, when news stations seemed more concerned with the property damage than with the emotional damage that prompted it**. Though peaceful protests in Ferguson had been going on for days, reporters didn’t descend on the town in large numbers until there were clashes with police. Suddenly, **coverage spiked, but most of it was about “cars vandalized” and “buildings burned.”** On Fox News, the channel most watched for Ferguson coverage at the height of the unrest, protesters were called “thugs.” Reporting from the protests, CNN’s Don Lemon noted, “Obviously, there’s a smell of marijuana in the air.” **we heard comparatively little about the residents’ long-held grievances about police harassment and brutality.** The unfair portrayal of black people **in** the news media is well documented. One study analyzing **news** **coverage by 26 local television stations, black people were rarely portrayed unless they had committed a crime. A 2015 University of Houston study found that this imbalanced coverage may lead viewers to develop** racial bias **against black people because it often over-represents them in crime rates. Recognizing this kind of bias in news media, black Twitter users started the #IfTheyGunnedMeDown hashtag to call out news images of Mike Brown that many felt criminalized him in his death.**

#### 2] Black students are fighting for journalism-free spaces to stop exploitation.

**Starr:** Starr, Terrell Jermaine. [Freelance Journalist] “There’s a Good Reason Protesters at the University of Missouri Didn’t Want the Media Around.” *The Washington Post*, November 11, 2015. CH

**That black students would be skeptical of media is understandable.** We’ve already seen the kind of headlines they undoubtedly feared. In an Atlantic piece headlined “Campus Activists Weaponize ‘Safe Space’,” Conor Friedersdorf calls the protesters a mob and insists they are “twisting the concept of ‘safe space.’” Again, a journalist criminalizes black people for expressing their pain. It was another piece centering the reporter’s privilege over the students’ trauma. Friederdorf’s piece completely ignores the intolerable racial climate that forced the students to establish a safe space in the first place. **There were other ways to cover these students’ protest without breaching their safe space and without criminalizing them.** The human chain students formed provided ample b-roll and still photos. Students could have been interviewed outside of that space. I would have pitched a story to my editors with the headline, “Why Black Students Were Forced To Secure A Safe Space On A Public Campus.” But to do that requires self-reflection and not a condescending, self-absorbed soliloquy about the First Amendment. For journalists, the Missouri protests are a big news story. **For the black students we’re covering, however, it’s a fight for their humanity and** liberation. Tai is correct: he was doing his job. **But in that stressful moment he may have failed to realize that the space he wanted to enter was a healing one that black people had worked to secure. Black pain is not an easy subject to cover, but the lesson we can take from this encounter at Missouri is that our presence as journalists, with the long legacy of criminalizing blackness that comes with it, may trigger the same harmful emotions that led to the students’ protests in the first place.**

# Climate Denial PIC

## 1NC

#### Text: Public colleges and universities in the United States ought not restrict any constitutionally protected journalist speech, except articles denying climate change.

#### It competes – they defend allowing all speech on campus, but the counterplan doesn’t defend a subset of speech

#### Climate change denial has been printed in school journals before and should be banned.

**The Stanford Daily:** The Stanford Daily [Campus newspaper at Stanford University, run by students] “From climate change to campus change: How climate discussions highlight a need for more productive debates.” *The Stanford Daily.* March 2015. RP

**On Monday, the Stanford Daily published** [**two op-ed pieces**](http://www.stanforddaily.com/2015/03/09/the-debate-on-man-made-climate-change/) **– a point/counterpoint pairing titled “The Debate on Man-made Climate Change.”** The first article was a thought piece on the Republican Party’s reluctance to engage constructively with climate science, and a call for the GOP to change this stance. **The second argued that engaging constructively with climate science is pointless, because anthropogenic climate change isn’t actually happening. We were initially appalled by the misinformation cited to refute human-made climate change. We planned a point-by-point rebuttal of Smitherman’s argument. We wanted to contribute to the discussion of the** [**overwhelming scientific consensus**](http://iopscience.iop.org/1748-9326/8/2/024024/article) **on climate change. But that’s not the fundamental problem with the op-ed, and, despite our stance on climate change, that’s not the point we want to make.** Our point is that these two pieces, despite The Daily’s billing, are not a productive debate. **High-quality journalism strives to make scientifically-verified facts the common ground for discussion**. Facts can be challenged, but with scientific rigor rather than political statements. This allows people to compare and contrast their values productively in debate. Value-based debates are public discussions of policy, opinion, morality, and behavior. Stifling value-based debate is censorship; ensuring that science-related opinions are factually accurate is journalistic integrity. The Daily is responsible for upholding the distinction between fact and value in its Opinion section, but the two pieces in question fail to do so. Humans are changing the climate ([NOAA](http://oceanservice.noaa.gov/education/literacy/climate_literacy.pdf), [National Academy of Sciences](http://www8.nationalacademies.org/onpinews/newsitem.aspx?RecordID=18730), and [NASA](http://climate.nasa.gov/) provide comprehensive and unbiased background). What is open to debate is what is to be done, if anything, about the fact of human-caused climate change. This is an example of a values-based debate, pitting ideas, policy proposals, and beliefs against each other in productive discourse. This is what opinion pieces are for. Both Kaufman and Smitherman fail to engage in a productive discussion for different reasons. Kaufman has command of the facts and uses the scientific consensus to establish the grounds of his argument. However, he uses these facts in his piece to dismiss legitimate opinions on topics like the role of government instead of discussing them critically. By doing this, he fails to engage in a productive debate. Smitherman, on the other hand, entirely misses the distinction between facts and values. He attempts to engage in a fact-driven debate–but from a purely factual standpoint, his citations do not support his statements, and his argument fails to meet the standard of rigor necessary to have a productive discussion about well-established science. Smitherman has valuable, if controversial, beliefs on economic policy and individual liberty. He should own these beliefs and argue them based on their ideological, social, and economic merits. Instead, he cherry-picks data and pseudoscience to justify his opinions. This not only undermines the validity of his opinions, but also demeans the quality and value of the discussion. Across the world, well-regarded media outlets have begun to recognize the dangers of conflating the facts and values surrounding climate change. The Los Angeles Times, for one, no longer allows editorial debates on the facts of climate science. As [Paul Thornton writes in explaining this decision](http://www.latimes.com/opinion/opinion-la/la-ol-climate-change-letters-20131008-story.html), “**The debate right now isn’t whether this evidence exists (clearly, it does) but what this evidence means for us**.” By upholding the integrity of the debate, [The LA Times](http://www.latimes.com/opinion/opinion-la/la-ol-climate-change-letters-20131008-story.html), [The Guardian](http://www.theguardian.com/environment/2015/mar/06/climate-change-guardian-threat-to-earth-alan-rusbridger), [Popular Science](http://ecowatch.com/2013/12/20/news-outlets-ban-climate-change-deniers/), and a number of other journalistic publications are helping to preserve the quality of public discussion. As a forum for our community’s discussions, and thus the public face of student opinions at one of the top universities in the country, **the Stanford Daily has a responsibility to communicate about scientific topics in an accurate and accessible way. Effective articles on climate change should not discuss whether climate change is happening but what we can do about it. Effective articles should fuel continued, productive discussion, not limit it.** We sat down to write an article refuting climate change denial. That would miss the point. **We cannot risk allowing our most important debates to degenerate into arguments over settled factuality.** This is more than an environmental issue. What’s at stake is how we communicate: how we find common ground and solve our problems. Highlighting the shortcomings of this particular piece calls attention to the critical need to improve dialogue on campus and beyond. We must become more thoughtful in how we debate contentious issues. Our community deserves it.

#### Denialism halts action against warming

**Brulle:** Brulle, R.J. “Institutionalizing Delay: Foundation Funding and the Creation of H.S. Climate Cange Counter-Movement Organizations.” January 2013. RP

As 2012 ended, a series of increasingly dire predictions regarding the impacts of anthropo- genic climate change were issued (International Energy Agency 2012; World Bank 2012). These warnings were amplified when the National Research Council (2012) and the National Intelligence Council (2012), both issued reports warning of the adverse political and security impacts that such levels of warming would foster. Even as the consequences of the “settled facts” (NRC 2011: 22) of anthropogenic climate change were amplified, the level of under- standing of this issue in the U.S. remained low. In response to a survey question in the fall of 2012:1 Do scientists believe that earth is getting warmer because of human activity? 43  replied no, and another 12  didn’t know. **Only 45% of the U.S. public accurately reported the near unanimity of the scientific community about anthropogenic climate change. This result reflects a broad misunderstanding of climate science by the general public.**∂ **A number of analyses have shown that one major factor driving this misunderstanding and an overall lack of legislative action is a deliberate and organized effort to misdirect the public discussion and distort the public’s understanding of climate change** (National Research Council 2011: 35). This literature has revealed a great deal about the nature of efforts to deny and/or distort climate science**. It clearly shows that a number of conservative think tanks, trade associations, and advocacy organizations are the key organizational components of a well- organized climate change counter-movement (CCCM) that has not only played a major role in confounding public understanding of climate science, but also successfully delayed meaning- ful government policy actions to address the issue.**

#### Warming causes racism, sexism and endless structural violence

David Naguib Pellow 12, Ph.D. Professor, Don Martindale Endowed Chair – University of Minnesota, “Climate Disruption in the Global South and in African American Communities: Key Issues, Frameworks, and Possibilities for Climate Justice,” February 2012, <http://www.jointcenter.org/sites/default/files/upload/research/files/White_Paper_Climate_Disruption_final.pdf>

It is now known unequivocally that significant warming of the atmosphere is occurring, coinciding with increasing levels of atmospheric CO2. Dr. John Holdren, Director of the White House Office of Science and Technology Policy, prefers the term “global climate disruption” to “climate change” because it more fully captures the harm being done to the planet (Holdren 2007). The term “climate change” infers a naturally occurring process rather than a disruption created by specific human activity. Moreover, the terms “global warming” and “climate change” might be construed as occurring in a uniform, even, gradual, and benign fashion, none of which is true. One solid indicator of Holdren’s point is the fact that climate disruptions affect communities, nations, and regions of the globe in vastly different ways. While contributing the least of anyone to the causes of climate disruption, people of color, women, indigenous communities, and global South nations often bear the brunt of climate disruption in terms of ecological, economic, and health burdens—thereby giving rise to the concept of climate injustice (Roberts and Parks 2007). These communities are among the first to experience the effects of climate disruption, which can include “natural” disasters, rising levels of respiratory illness and infectious disease, heat-related morbidity and mortality, and large increases in energy costs. They also bear the burdens created by ill-conceived policies designed to prevent climate disruption. The effects of climate injustice have been evident for years. Flooding from severe storms, rising sea levels and melting glaciers affect millions in Asia and Latin America, while sub-Saharan Africa is experiencing sustained droughts. Consider that nearly 75 percent the world’s annual CO2 emissions come from the global North, where only 15 percent of the global population resides. If historic responsibility for climate change is taken into account, global North nations have consumed more than three times their share of the atmosphere (in terms of the amount of emissions that we can safely put into the atmosphere) while the poorest 10 percent of the world’s population has contributed less than 1 percent of carbon emissions. Thus the struggle for racial, gender, and economic justice is inseparable from any effort to combat climate disruption. Climate justice is a vision aimed at dissolving and alleviating the unequal burdens created by climate change. The topic of climate justice is a major point of tension in both U.S. and international policy efforts to address climate disruption because it would require wealthy nations that have contributed the most to the problem to take on greater responsibilities for solutions. For many observers, the path is clear: for humanity’s survival, for justice, and for sustainability, they maintain that we must reduce our emissions and consumption here at home in the global North.

## Solvency FL

### A2 Counterspeech

#### Stanford Daily preempts this and turns the shit out of it – engaging in the debate over climate change *legitimizes denial as a respectable viewpoint.*

#### Obviously not always possible – rich media will control the newspapers and be able to write more and better articles – that’s how the Koch brothers have gotten so much nonsense about warming published and legitimized.

#### Tradeoffs disad – every moment spent discussing meaningless questions, like if climate change is real, avoids discusions of solutions to the problem.

# Extinction Reps K

Omitted

# T CPS

## 1NC

#### A] Interpretation: The Aff must defend only protecting constitutionally protected speech

#### Here are the types of speech that are protected by the US Constitution

US Courts: United States Courts, About Federal Courts, What Does Free Speech Mean?, Date Accessed 12/4/16 <http://www.uscourts.gov/about-federal-courts/educational-resources/about-educational-outreach/activity-resources/what-does>

Not **to speak (specifically, the right not to salute the flag). West Virginia Board of Education v. Barnette, 319 U.S. 624 (1943). Of students to wear black armbands to school to protest a war** (“Students do not shed their constitutional rights at the schoolhouse gate.”). Tinker v. Des Moines, 393 U.S. 503 (1969). **To use certain offensive words and phrases to convey political messages. Cohen v. California, 403 U.S. 15 (1971). To contribute money (under certain circumstances) to political campaigns.** Buckley v. Valeo, 424 U.S. 1 (1976).  **To advertise commercial products and professional services (with some restrictions).** Virginia Board of Pharmacy v. Virginia Consumer Council, 425 U.S. 748 (1976); Bates v. State Bar of Arizona, 433 U.S. 350 (1977). **To engage in symbolic speech, (e.g., burning the flag in protest**). Texas v. Johnson, 491 U.S. 397 (1989); United States v. Eichman, 496 U.S. 310 (1990).

#### B] Violation – journalist speech isnt protected – 2 reasons

#### 1] Journalist speech isn’t protected

US Courts: United States Courts, About Federal Courts, What Does Free Speech Mean?, Date Accessed 12/4/16 <http://www.uscourts.gov/about-federal-courts/educational-resources/about-educational-outreach/activity-resources/what-does>

**Freedom of speech does not include the right To incite actions that would harm others** (e.g., **“[S]hout[ing] ‘fire’ in a crowded theater.”). Schenck v. United States, 249 U.S. 47 (1919). To make or distribute obscene materials.** Roth v. United States, 354 U.S. 476 (1957). **To burn draft cards as an anti-war protest.** United States v. O’Brien, 391 U.S. 367 (1968). **To permit students to print articles in a school newspaper over the objections of the school administration. Hazelwood School District v. Kuhlmeier**, 484 U.S. 260 (1988). **Of students to make an obscene speech at a school-sponsored event. Bethel School District #43 v. Fraser, 478 U.S. 675 (1986). Of students to advocate illegal drug use at a school-sponsored event. Morse v. Frederick, \_\_ U.S. \_\_ (2007).**

#### 2] Hazelwood applies to colleges—the aff does not protect constitutional speech.

Reimold 13 Daniel “8 ways a landmark Supreme Court ruling has changed student journalism” Poynter February 21st 2013 <http://www.poynter.org/2013/8-ways-a-landmark-supreme-court-ruling-has-changed-student-journalism/204792/>

“When Hazelwood was first decided back in 1988 there was this long period where everybody in the legal and journalism community proceeded under the assumption that it was a case about children,” said LoMonte. “That was a safe assumption for a while, but it’s proving not to be any longer. The federal courts increasingly are looking to Hazelwood as providing the governing First Amendment legal standard for anyone at all who is a student, no matter how old, no matter how mature, no matter the level of education.” For example, in 2011, a federal district court cited Hazelwood to support a decision by Auburn University at Montgomery to remove a 51-year-old graduate student from its nursing program. The student argued she had been unlawfully expelled for speaking out about perceived problems with the program’s disciplinary policies.

#### C] Net Benefits

#### 1. Limits—if the aff doesn’t have to defend protecting constitutionally protected speech, then there are a functionally infinite amount of plans because they can defend any kind of speech act becoming permissible – fighting words, the right to yell fire in a theater, and more.

# T Written [Short]

#### A] Interpretation: Freedom of the press isn’t freedom of speech – one is about the media and the other is individual – the Aff has to only defend that colleges ought not restrict constitutionally protected speech.

Wells 1: Wells, Thomas R. [Assistant Professor of Philosophy, University of Tilburg] “Freedom of the Press is Not the Same as Freedom of Speech.” The Philosopher’s Beard, January 3, 2013. CH

Freedom of the press is not the same as freedom of speech Freedom of the press is often conflated with freedom of speech, a conceptual error that leads to excessive deference to media corporations. Properly understood, [T]he freedom of the press requires that mass-media corporations be free from government control, but not that they be free from regulation in the public interest. Whether or not the press supports rather than impedes individuals' freedom of expression, public reasoning, and the accountability of politicians depends on how the media market is set up and policed. Freedom of speech is a concept that pertains to individuals and is almost inseparable from respecting freedom of thought (see Mill, On Liberty). Just as every individual should be permitted to think controversial thoughts that many people find disagreeable or offensive (against the existence of god, say), so they should be allowed to say them. Its justification has two components. First, the intrinsic value of freedom of expression to the speakers, who get to share their opinions and ideas with others. Second, the indirect benefits that a diversity of opinions produces for society at large: ideas and arguments can be publicly tested and improved, with the results available for all. Freedom of the press is quite a different kind of thing, since it pertains to a certain group of corporations (mass-media companies), rather than individuals. The key difference is that because corporations are not people their speech can have no intrinsic value[.] (pace Justice Kennedy's majority opinion in Citizens United). Corporations, unlike individuals, are not sophisticated enough agents to have thoughts of their own that they burn to express to others, and so they cannot suffer from censorship as people do. Indeed, because corporations lack moral agency generally, their 'moral' rights can only be justified on utilitarian grounds: recognising corporate personality and property rights is a legal wheeze that makes the capitalist order function more efficiently, rather than a recognition of some underlying intrinsic moral claim. (For corporations to gain real moral rights, they would have to be designed in such a way that they can conduct morally sophisticated reasoning and give themselves a moral law. But that's a subject for another post.)

#### B] Violation

#### C] Net Benefits

#### 1] Field context: Wells, a professor, plus journalist heads agree that the rights are different – he’s most qualified on this issue, as opposed to random individuals writing about the topic .

#### 2] Limits: First Amendment rights are endless. If they can defend free press just because it’s there, they can also defend all other “speech-plus” rights like religion, petitioning government, and assembly.

**US History:** US History [Organization that writes about history and the constitution] “First Amendment Rights.” *US History.* 2016. RP

The courts have generally provided strong protection of pure speech from government regulation. **Speech-plus involves actions, such as demonstrating or protesting, as well as** words. Speech-plus is not generally protected as strictly as is pure speech[.], because actions can be physically dangerous. The courts have ruled that demonstrators may not obstruct traffic, endanger public safety, or trespass illegally. **Symbolic speech technically involves no speech at all, but it involves symbols that the courts have judged to be forms of free** expression. Symbolic actions such as wearing black armbands in school and draft-card burning fit this category. Symbolic speech is highly controversial, and as a rule, the courts have sometimes considered it to be beyond the limits of free speech. However, the Supreme Court did uphold the right of an individual to burn an American flag in the 1989 *Texas vs. Johnson* decision. Many of the same principles that apply to freedom of speech apply to the press, but one with special meaning for the press is prior restraint. The courts have ruled that the government may not censor information before it is written and published, except in the most extreme cases of national security. Freedom of assembly and petition are closely related to freedom of speech, and have been protected in similar ways. Former Chief Justice Charles Evans Hughes wrote, "Peaceable assembly for lawful discussion cannot be made a crime." Generally, that point of view has prevailed. Freedom of assembly has to be balanced with other people's rights if it disrupts public order, traffic flow, freedom to go about normal business or peace and quiet. Usually, a group must apply for a permit, but a government must grant a permit provided that officials have the means to prevent major disruptions. For over 100 years after the ratification of the Constitution, the First Amendment protected these freedoms only in theory. As individuals in the 20th century have challenged the government in the courts when they believed their rights were assaulted, **[T]he First Amendment has taken on a stronger meaning. It remains the single most powerful instrument for protecting the sacred freedoms of religion, speech, press, assembly, and petition[.] for modern Americans.**

#### D] Voting issue

# T Any [Short]

#### A] Interpretation: The Aff must defend allowing all constitutionally protected speech on campus – they may not specify a subset of speech to not protect.

#### “Any constitutionally protected speech” refers to every use of speech

**Merriam Webster:** “Definition of Any”, *Merriam-Webster*, accessed 2 Dec 2016, https://www.merriam- webster.com/dictionary/any.

1: one or some indiscriminately of whatever kind: a: one or another taken at random <ask any man you meet> b: **every —used to indicate one selected without restriction <any child would know that>**

#### Semantics outweigh -- it’s the only stasis point we know before the round so it controls the internal link to engagement, and there’s no way to use ground if debaters aren’t prepared to defend it.

#### C] Net Benefits

#### 1] Legal context – tons of court rulings have established “any” as “all”.

**Elder:** Elder (David S. Elder, October 1991, "Any and All": To Use Or Not To Use?” "Plain Language' is a regular feature of the Michigan Bar Journal, edited by Joseph Kimble for the State Bar Plain English Committee. Assistant editor is George H. Hathaway,

**The Michigan Supreme Court seemed to approve our dictionary definitions of "any" in Harrington v Interstate Business Men's Accident** Ass'n, 210 Mich 327, 330; 178 NW 19 (1920), when it quoted Hopkins v Sanders, 172 Mich 227; 137 NW 709 (1912). **The Court defined "any" like this: "In broad language, it covers 'arl'v final decree' in 'any suit at law or in chancery' in 'any circuit court.' Any' means ,every,' 'each one of all."'** In a later case**, the Michigan Supreme Court again held that the use of "any" in an agency contract meant "all." In Gibson v Agricultural Life** Ins Co, 282 Mich 282, 284; 276 NW 450 (1937), the clause in controversy read: "14. The Company shall have, and is hereby given a first lien upon any commissions or renewals as security for any claim due or to become due to the Company from said Agent." (Emphasis added.) **The Gibson court was not persuaded by the plaintiff's insistence that the word "any" meant less than "all": "Giving the wording of paragraph 14 oJ the agency contract its plain and unequivocable meaning, upon arriving at the conclusion that the sensible connotation of the word any' implies 'all' and not 'some,'** the legal conclusion follows that the defendant is entitled to retain the earned renewal commissions arising from its agency contract with Gibson and cannot be held legally liable for same in this action," Gibson at 287 (quoting the trial court opinion). **The Michigan Court of Appeals** has **similarly interpreted the word "any" as used in a Michigan statute. In McGrath v Clark**, 89 Mich App 194; 280 NW2d 480 (1979), the plaintiff accepted defendant's offer of judgment. The offer said nothing about prejudgment interest. **The statute the Court examined was MCL 600.6013; MSA 27A.6013: "Interest shall be allowed on any money judgment recovered in a civil action...." The Court held that "the word 'any' is to be considered all-inclusive,"** so the defendants were entitled to interest. McGrath at 197 Recently, the Court has again held that "[alny means 'every,' 'each one of all,' and is unlimited in its scope." Parker v Nationwide Mutual Ins Co, 188 Mich App 354, 356; 470 NW2d 416 (1991) (quoting Harrington v InterState Men's Accident Ass'n, supra)

#### 2] Limits -- they allow SO MANY affs – they can defend any type of speech—here’s things they could say we shouldn’t restrict: saying racism is bad, writing papers, having casual conversations, the list goes on and on—their interp literally allows them to write infinite affs

#### D] Voting issue

# Defamation PIC

## 1NC

#### Counterplan text: Public colleges and universities in the United States ought not restrict any constitutionally protected journalist speech, except journalist speech that defames – the extension of Hazelwood protected this speech, and it ought to be banned.

**Hopkins:** Hopkins, Michael [J.D. Candidate, May 2008, The John Marshall Law School.] “COMMENT: HEMLOCK IN THE MARKETPLACE: HOW FREEDOM OF THE PRESS FOR COLLEGE NEWSPAPERS POISONS THE FIRST AMENDMENT.” *The John Marshall Law Review.* Summer 2007. RP

In Tinker, Justice Black was clearly bothered by the origin of the protected speech. Without addressing it directly, he noted non-plaintiff siblings of the Tinker plaintiffs, aged eight and eleven respectively, also defied the school rule against black armbands. He followed this observation by making note of the religious and political affiliations of the plaintiffs' parents. The subtext is clear: It wasn't the students' speech the court was protecting. The student papers in Hosty give rise to the same question Justice Black seemed concerned with: Whose speech is it, anyway? **At the heart of the Hosty case are publications prominently featuring The Innovator's one-time advisor, Geoffrey de Laforcade, and his disputes with the University over his termination**. It was a termination the student edi- tors were unwilling to acknowledge. Hosty's writing for the paper gave one-sided voice to de Laforcade's claims against the University and administrators who refused to renew his contract. **One article, which spanned several pages, included accusations of document alteration, racist comments, and mail tampering.** In the same issue, a letter to the editor penned by de Laforcade laid blame squarely at the feet of the college dean for a former colleague's suffering through kidney failure, as well as the colleague's inability to pay his aging mother's bills. **In a previous edition, Hosty stated that the dean's college was engaged in "confirmed unprofessional behavior ... which may prove to be illegal."** The article threatened student senate investigation of racial and religious discrimination and addressed de Laforcade's dismissal. Hosty further implied contract and due process violations on the part of the dean. Dr. Jacqueline Kil- patrick, who stated that de Laforcade was "unhappy" with her, likewise became a target of the paper. **Of course, this may mean nothing more than fealty to a respected former advisor, articulated through poorly-written and ethically unsound attacks. On the other hand, it stands for the proposition that the unrestricted First Amendment protection to student journalists and college newspapers in public universities provides a medium and a vehicle for attacks that have nothing to do with the marketplace of ideas, but rather with the personal agenda of anyone who has favorable access to an untouchable student journalist.**

# Deont NC

## 1NC Non PIC Version

Framework Omitted

#### The Aff allows defamation to occur -- the extension of Hazelwood protected defaming speech in campus journalism, which ought to be banned.

**Hopkins:** Hopkins, Michael [J.D. Candidate, May 2008, The John Marshall Law School.] “COMMENT: HEMLOCK IN THE MARKETPLACE: HOW FREEDOM OF THE PRESS FOR COLLEGE NEWSPAPERS POISONS THE FIRST AMENDMENT.” *The John Marshall Law Review.* Summer 2007. RP

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#### That violates the framework – defamation deprives people of their rightful honor and is coercive.

Varden 10, Helga, “A Kantian Conception of Free Speech,” in Freedom of Expression in a Diverse World, edited by Deirdre Golash. New York: Springer, 2010. BE

What about defamation, how does it involve coercion? Attempts at defamation also constitute attempts non-consensually to deprive others of what is theirs, namely their good reputations as determined by their actions. Corresponding to a person’s innate right to freedom, Kant argues, is that person’s duty to “Be an honour- able human being... Rightful honour... consists in asserting one’s worth as a human being in relation to others” (6: 236). To defend one’s rightful honor is to defend one’s right to be recognized by others solely by the deeds one has performed. Indeed, one’s reputation, Kant explains, “is an innate external belonging” (6: 295); it can originally belong only to the person whose deeds are in question. If others spread falsehoods about the life she has lived, then she has the right and duty to challenge their lies publicly, for her reputation belongs only to her and to no one else. A person’s reputation is not a means subject to other people’s choice; it is not a means others have a right to manipulate in order to pursue their own ends. To permit this, Kant argues, would be to permit others to use your person as their own means, or to “make yourself a mere means for others” rather than also being “at the same time an end for them” (6: 236). Let me say briefly how this account of rightful honor analyzes cases like Holocaust-denial. Part of what makes denying the Holocaust different from other types of defamation is that it involves people who are no longer alive. On the Kantian approach I am advancing, one’s reputation is seen as intimately connected with how one has interacted normatively with others (6: 291). To interact normatively is to be capable of normativity or capable of interacting qua ‘nou- mena’, as Kant says, and not merely ‘qua phenomena’ or as embodied beings gov- erned by laws of nature. It is qua noumena that we are capable of deeds or of having actions imputed to us. And it is qua noumena that we can still be defamed long after we are dead.3 Because right tracks normative relations, that one is no longer alive is beside the point. What is more, anyone – “relatives or strangers” – can challenge the lies told by another on behalf of the dead. Indeed, the one challenging the defa- mation does so in virtue of her own duty to ensure the conditions under which we can have rightful honor (6: 295). The reason is that those who spread such lies do not only express an unwillingness to respect those they defame in particular, but also they display a general unwillingness to interact in a way compatible with the rightful honor of everyone. The absence of defamation is necessary for public opinion to be reconcilable with each person’s right to freedom and the corresponding duty to be an honorable being. By defaming the dead, a person aims to falsify the public opinion, upon which everyone is dependent for rightful honor. Consequently, every member of the public has a right to challenge such lies on behalf of the dead.4

# Case Arguments

## Preempts

### Underview/Alexander

#### The Alexander evidence is terrible – no impact to going underground – newspapers are public and people would notice them immediately

#### Counter-speech doesn’t make sense in the context of THEIR AFF – a disenfranchised minority can’t just pick up a printing press and write a counter story

#### Speech codes don’t drive harmful speech underground—they educate about the harms of hate speech and prevent racist images that construct social reality.

**The ADL:** Anti-Defamation League [Organization dedicated to ending defamation and activism supporting this goal] “Responding to Hate Speech on Campus.” No date. RP

**Hateful speech is not only a symptom of subordination, but can also be its source**. The repetition of certain images and words reinforces ethnic and cultural imagery. Since childhood, we are all exposed to a plethora of stereotypes, stock characters, stories, narratives and plots in which women are ornaments and minorities are happy-go-lucky, stupid or licentious. **Society uses such images to create a social reality in which minorities are always at risk; one in which each new slight or injury reverberates against a history of similar ones**. After years of repetition, offenses are aimed as much at groups as at individuals. Some acts, such as painting a swastika on a Jewish student center or burning a cross on the lawn of an African-American residence, gain a power that most insults directed at individuals lack -- the power to marginalize/victimize entire groups of people. Words create characters, images, expectations and deeply rooted subconscious assumptions. Abusive words aimed at aspects of a person's core identity can seriously wound and particularly damage young people in the process of figuring our their own identity during college. The federal and state court decisions regarding university and college speech/conduct codes suggest that these codes need to be very carefully drafted in order to pass judicial muster. Whenever someone commits a hate crime or utters a prejudicial remark, it harms the victim and potentially terrorizes an entire group. Therefore, it is important to realize that there are both advantages and disadvantages to limiting speech. The arguments against campus speech codes are better understood because of court decisions. When these codes use broad and vague phrases, they limit not only destructive language, but also language that enjoys constitutional protection. It is practically impossible to draft a speech code that cannot be construed against speech no one means to ban. As a result, many institutions of higher education have dropped their existing codes or abandoned their efforts to adopt one. **However, despite the problems speech codes raise, there are some advantageous goals underlying the attempts to develop codes barring derogatory and hurtful epithets. These efforts seek to serve educational purposes and provide an expression of an institution's commitment to the defense of victims of hatred. While the speech-code issue will continue to be a battlefield in the culture wars between left and right on campus, it is necessary that presidents and administrators, with or without the aid of campus speech codes, have the willingness to take strong and directive stands when issues of bigotry arise.**

### Underview/Strossen – Funding Tradeoff

#### This isn’t about newspapers– this is literally just about speech codes being bad in a vacuum but not in the context of their Aff

#### They haven’t verified this empirically – make them read actual evidence proving this

### Underview/Rabe – PIC Rollback

#### The neg gets durable fiat – I get to assume implementation of my advocacy – that’s key to education. Otherwise, we could only defend policies that were on the brink of being enacted which kills the scope of discussion

#### If this is true, then vote neg on presumption – all limits on speech will be rolled back and the Aff will cease to be structurally inherent.

## Solvency

### Starr Cards [If not read as off]

#### The aff lets media portray Black students in racist terms, increasing racial bias – empirics prove.

**Starr:** Starr, Terrell Jermaine. [Freelance Journalist] “There’s a Good Reason Protesters at the University of Missouri Didn’t Want the Media Around.” *The Washington Post*, November 11, 2015. CH

Further, as reporters, we have to drop our sense of entitlement and understand that not everyone wants to be subjects of our journalism. Our press passes don’t give us the license to bully ourselves into any and all spaces where our presence is not appreciated. It’s one thing to demand access to public lands; it’s another to demand access to people’s grieving. **In** **many communities that historically have been marginalized and unfairly portrayed by the media, there’s good reason people do not trust journalists: They often criminalize black people’s pain and resistance to racial oppression. We saw it in coverage of Ferguson and Baltimore, when news stations seemed more concerned with the property damage than with the emotional damage that prompted it**. Though peaceful protests in Ferguson had been going on for days, reporters didn’t descend on the town in large numbers until there were clashes with police. Suddenly, **coverage spiked, but most of it was about “cars vandalized” and “buildings burned.”** On Fox News, the channel most watched for Ferguson coverage at the height of the unrest, protesters were called “thugs.” Reporting from the protests, CNN’s Don Lemon noted, “Obviously, there’s a smell of marijuana in the air.” **we heard comparatively little about the residents’ long-held grievances about police harassment and brutality.** The unfair portrayal of black people **in** the news media is well documented. One study analyzing **news** **coverage by 26 local television stations, black people were rarely portrayed unless they had committed a crime. A 2015 University of Houston study found that this imbalanced coverage may lead viewers to develop** racial bias **against black people because it often over-represents them in crime rates. Recognizing this kind of bias in news media, black Twitter users started the #IfTheyGunnedMeDown hashtag to call out news images of Mike Brown that many felt criminalized him in his death.**

#### Black students are fighting for journalism-free spaces to stop exploitation.

**Starr:** Starr, Terrell Jermaine. [Freelance Journalist] “There’s a Good Reason Protesters at the University of Missouri Didn’t Want the Media Around.” *The Washington Post*, November 11, 2015. CH

**That black students would be skeptical of media is understandable.** We’ve already seen the kind of headlines they undoubtedly feared. In an Atlantic piece headlined “Campus Activists Weaponize ‘Safe Space’,” Conor Friedersdorf calls the protesters a mob and insists they are “twisting the concept of ‘safe space.’” Again, a journalist criminalizes black people for expressing their pain. It was another piece centering the reporter’s privilege over the students’ trauma. Friederdorf’s piece completely ignores the intolerable racial climate that forced the students to establish a safe space in the first place. **There were other ways to cover these students’ protest without breaching their safe space and without criminalizing them.** The human chain students formed provided ample b-roll and still photos. Students could have been interviewed outside of that space. I would have pitched a story to my editors with the headline, “Why Black Students Were Forced To Secure A Safe Space On A Public Campus.” But to do that requires self-reflection and not a condescending, self-absorbed soliloquy about the First Amendment. For journalists, the Missouri protests are a big news story. **For the black students we’re covering, however, it’s a fight for their humanity and** liberation. Tai is correct: he was doing his job. **But in that stressful moment he may have failed to realize that the space he wanted to enter was a healing one that black people had worked to secure. Black pain is not an easy subject to cover, but the lesson we can take from this encounter at Missouri is that our presence as journalists, with the long legacy of criminalizing blackness that comes with it, may trigger the same harmful emotions that led to the students’ protests in the first place.**

#### Unrestricted free press denies Black safe spaces and reifies Black pain.

**Starr:** Starr, Terrell Jermaine. [Freelance Journalist] “There’s a Good Reason Protesters at the University of Missouri Didn’t Want the Media Around.” *The Washington Post*, November 11, 2015. CH

**Establishing a “safe space” was about much more than denying the media access; it was about securing a zone where students’ blackness could not be violated**. Yes, the hunger strike, the safe space and other demonstrations were protests, and protests should be covered. **But what was fueling those protests was black pain.** In most circumstances, when covering people who are in pain, journalists offer extra space and empathy. That didn’t happen in this case; these young people weren’t treated as hurting victims. Instead, after the confrontation with Tai, aggrieved journalists responded with a ferocity usually reserved for powerful entities with the means to inflict lasting damage on their First Amendment rights. This wasn’t a problem with Tai’s character or his journalistic integrity; he was doing his job, and his past outstanding work speaks for itself. But in this conversation over “public space,” we’ve overlooked the protesters’ message — that **conditions on campus make it an unbearable environment for black students to live and learn in.** Their approach to creating a safe space should have been better conceived but **reporters should also feel a responsibility to try to understand and respect their pain, instead of rushing to judge them and panicking about an imagined assault on press freedoms.**

### Overview

#### PLAN FLAW – “journalist speech” is literally just a term they made up – it’s called “Freedom of the press”.

**FAC:** First Amendment Center [Website that teaches about the First Amendment] “Frequently Asked Questions – Press.” *First Amendment Center.* No date. RP

**Who is ‘the press’? Courts have long struggled with this seemingly easy question. While no doubt exists that “mainstream” media, such as broadcast stations, newspapers and magazines, enjoy the freedom of “the press**,” the line gets blurrier in cases involving underground newspapers, free-lance writers and pamphleteers. In general, however, courts have defined “the press” so as to include all publishers. **The 2nd U.S. Circuit Court of Appeals, for example, has said that First Amendment protections extend to “‘every sort of publication which affords a vehicle of information and opinion.**’” von Bulow v. von Bulow, 811 F.2d 136, 144 (2d Cir.) (quoting Lovell v. Griffin, 303 U.S. 444, 452 (1938)), cert. denied, 481 U.S. 1015 (1987).

#### Plan flaw is a voting issue

#### A] It’s impossible to debate an aff that does nothing and it’s not in your jurisdiction to vote for a policy that can never actually exist—hurts education and real-world applicability.

#### B] Vote neg on presumption—the plan doesn’t mean or do anything, so you can’t evaluate any of their solvency claims.

#### PLAN FLAW – Constitutionally protected journalist speech also does not exist –

#### a. There is no right to have articles published

**Lewy et al** ‘08 (Anti Defamation League, Copyright 2008, Glen S. Lewy, National Chair, Abraham H. Foxman, National Director, Kenneth Jacobson, Deputy National Director, David Millstone, Chair, Education Committee, Ed S. Alster, Director, Education Division, Marvin Nathan, Chair, Civil Rights Committee, Deborah Lauter, National Civil Rights Director, Stacey Berkowitz, Director, Campus and Confronting Anti-Semitism Initiatives, Deborah Cohen, Assistant Director of Legal Affairs, “RESPONDING to BIGOTRY and INTERGROUP STRIFE on CAMPUS”, ADL. RP

To place an outright ban on certain speech would be unconstitutional and contrary to a fundamental tenet of American democracy. However, the Constitution does not oblige universities to host everyone who wants to speak or write there, nor does it require campus newspaper editors to publish every item submitted to them. Campus leaders and journalists must responsibly draw a line between valid, fact-based opinions and outright bigotry. The sections in this chapter outline common hate speech issues on campus. Each section contains background information, legal analysis, suggested action steps and examples of university responses. When dealing with speci c speech issues on campus, there are certain fundamental guidelines that can be applied in most situations. Be a public presence on campus by voicing your support or opposition in tense situations. Establish university response protocols to deal with hate incidents. ese protocols must be communicated to the campus through student policy manuals, orientation materials, the institution’s Web site and clear step-by-step instructions placed in every campus building. Continually review and train on the emergency protocols and be able to direct victims to where they can get assistance. Appoint a central university ombuds o cer as a point person to dealing with issues of hate, bigotry and intimidation. Establish high-priority, long-term human relations and anti-bias programming within the curriculum, in the orientation process, through student services and in university publications. Be equally concerned about and respond equally to instances of bias directed at any group on campus. Base your response on the incident itself, not the group identity of the targets. Hold fraternities, sororities and other student organizations responsible for acts of bigotry committed by their members participating in any fraternity, sorority or organizational activity. Encourage alumni, parents and members of the larger community to speak out on issues of bigotry on campus. eir voices can have a signi cant positive impact on the atmosphere on campus. Campus media are a natural venue for the expression of ideas. Hate groups may take advantage of this and place paid advertisements, paid inserted supplements, opinion/editorial articles and letters to the editor in campus newspapers and other publications. is was a favorite, high-pro le tactic of the Holocaust denial movement in the late 1990s, which succeeded in placing such materials in publications on more than 200 campuses. Editors should be aware that privately owned publications have editorial autonomy to decide what they will and will not publish. Courts generally view student newspapers (even those at public schools) as private when student editors, and not school administrators, make the decisions about content and advertising policies. University regulation and subsidization do not transform a newspaper from a private body into an arm of the state or university. **Despite their claims, extremist groups have no legitimate First Amendment right to have their advertisements placed in campus publications**. e **First Amendment guarantees that they may stand in public areas speaking hateful messages, hold meetings and send racist iers through the mail and the government cannot censor or punish them. However, the First Amendment does not secure anyone the right to be placed in a private newspaper. Private companies are not bound by the constraints of the First Amendment, and individuals have no First Amendment right to force a private, professional or college newspaper to run a story or advertisement. One federal appellate court observed: “ e right to freedom of speech does not open every avenue to one who desires to use a particular outlet for expression.”** Determining the paper’s editorial content and deciding what stories to print is solely the province of editors. Since campus newspaper sta change from year to year, educate campus newspaper editors on a continuing basis about their journalistic responsibilities. Proactive outreach is needed before any bigoted advertisements, articles or opinion pieces are received. Advise student editors to devise and record an advertising policy, which they can reference when declining to run hateful ads. Encourage students to use the campus media as a tool for civil and respectful dialogue instead of hate or bigotry. Encourage the student leadership of the campus media to engage their sta in a dialogue regarding their rights and responsibilities as journalists. Encourage faculty members and top administrators to take a public stand against the use of the campus newspaper to spread hateful propaganda. Administrators always have the right to criticize an article or the decisions made by newspaper staff.

#### b. Goodman 05 goes neg – it literally says that Hazelwood is the justification fo censorship – proves that there is a legal basis for denying journalist speech.

#### Status quo solves – you can organize an independent newspaper or make a website.

**Kabay:** Kabay, M.E. [Contributor, Network World] “Free speech issues: Controlling content in college newspapers.” *Network World.* December 2010. RP

**If** **students feel strongly that a university administration is clamping down too strongly on their ability to speak freely, they can always organize an independent outlet for their thoughts**. For example, at my doctoral alma mater, Dartmouth College, the college publishes [several newsletters](http://www.dartmouth.edu/home/about/publications.html) under the control of the institution. **However, students dissatisfied with college control formed an independent newspaper, The** [**Dartmouth Review**](http://dartreview.com/)**, in which to express their opinions without interference from faculty and administrators. The publication lists several similar** [**independent student publications**](http://dartreview1.squarespace.com/about-us/) **at** [**Stanford**](http://stanfordreview.org/)**,** [**Cornell**](http://www.cornellreview.org/)**,**[**Princeton**](http://theprincetontory.com/main/)**, and** [**College of William and Mary**](http://www.vainformer.com/)**. Creating a Web site is no longer an expensive proposition; for example,** [**InMotion Hosting**](http://inmotionhosting.com/) **has provided excellent service for my** [**personal Web site**](http://www.mekabay.com/) **for about $7 a month, including registering my domain name.** The only issue students might have to watch out for is that university names and logos are protected intellectual property, so no one can just stick them on unofficial Web pages or newspapers without permission. But returning to the content and style of publications, all organizations offering a venue for the expression of opinion should ensure that opinions are clearly demarcated from supposedly factual reporting. Both can be justified, but muddling the two categories can lead to unfortunate results. For example, interviewing three close buddies and then making wild generalizations about an entire student body is a classic example of what not to do with [non-random sample data](http://www.mekabay.com/methodology/crime_stats_methods.pdf).

#### Rights tradeoff – unlimited campus newspapers disillusion students with the First Amendment, decreasing protection and advocacy for it outside of colleges.

**Steele:** Steele, Bob [Bob Steele asks and answers lots of questions on a wide range of ethics, values, reporting and leadership issues. In his role as the Nelson Poynter Scholar for Journalism Values he has taught hundreds of workshops and thousands of journalists and media leaders at Poynter seminars since 1989. He’s also led sessions for over 100 news organizations across the country including television stations, newspapers and broadcast and newspaper groups. He’s frequently on the phone or online advising journalists and media leaders on real-time ethical dilemmas and challenges. He’s also been on the receiving end of thousands of interviews by reporters for stories about journalism ethics issues. Steele continues in the Poynter Values Scholar role as he joins his alma mater, DePauw University] “Student Journalism: Bad Work Undercuts First Amendment.” *Poynter.* February 2007. RP

**I'm a big believer in the spirit and the substance of the First Amendment, but I'm angry when I see journalists do foolish things. I believe irresponsible journalism undermines public support for the First Amendment** and the essential role of the free press in our democratic society. I'm particularly pained when I see student journalists blunder badly. **Take the case of the campus newspaper at Central Connecticut State University. The opinion editor of The Recorder wrote a terribly misguided and harmful article that, in a failed attempt at satire, advocated the benefits of sexual assault.**  John Petroski's article was headlined, "Rape Only Hurts If You Fight It." As The Hartford Courant reported, Petroski's article created a firestorm of protest. And well it should have. I can see no legitimacy in either the intent or the execution of this article. Petroski's imprudent attempt at humor was profoundly harmful. The failure of editors to exercise oversight was shameful. Petroski did apologize, and the Recorder's editors issued a statement saying they regretted the harm the article caused. However, the Record's editor, Mark Rowan, is quoted in the Courant defending the original purpose of Petroski's article. Student journalists at the high school and college level have a unusual opportunity to learn the craft of journalism and to give members of their school communities meaningful information about relevant issues and events. Given that these are student journalists, the quality of the work may fall short of professional standards. But it pains me greatly when I see student journalists abuse the power of the press. It angers me when I see student journalists throw ethics to the wind and use journalism irresponsibly. This happened recently at [Princeton University](http://www.princeton.edu/main/) when journalists at [The Daily Princetonian](http://www.dailyprincetonian.com/) published what is called a "joke issue." This has been a long tradition for many campus newspapers. The staff publishes an edition of the newspaper with untrue stories that are intended to poke fun at school officials, professors, school policies and even fellow students. The "joke issue" has always been a bad idea. [As The Philadelphia Inquirer reported](http://www.philly.com/mld/inquirer/news/local/states/new_jersey/16530092.htm), the Princetonian's bad humor created big problems. As I told the Inquirer, "joke issues often backfire. While the intent may be to offer humor about serious issues, the quality of the humor often falls short and the other weaknesses of satire become apparent." Even disclaimers are not sufficient, I pointed out. "Journalists always have responsibility for what they publish and present. You cannot disclaim responsibility." I believe in a spirited, aggressive form of journalism that informs and enlightens. And I accept journalism that also entertains when it's done well and responsibly. **I'm saddened when I learn about what happened at CCSU and Princeton. I'm concerned about the harm these student journalists caused. I'm also very concerned about the far-reaching effects these young journalists' actions might have on the credibility of journalists and journalism across the land.**

#### Journalist speech on campus becomes an excuse for media publicity and sensationalizing events, obscuring authentic discussion

**Cornett:** Cornett, Sarah [Sarah Cornett is a senior at Whitman College, and the editor of the student-run weekly newspaper, The Pioneer] “Racism on Campus - Not Free Speech - Is the Real Story: Mainstream Media Are Missing the Mark.” *Truthout.* December 2015. RP

**Of all the images that accompanied articles on the recent protests against systemic racism at the University of Missouri, a screenshot of a professor shouting at a student photojournalist somehow became one of the most prevalent**. "I need some muscle over here," said Melissa Click, an assistant professor of communications at Missouri, attempting to grab his camera "Help me get this reporter out of here." Anyone following events at the university has likely read this quote many times over. As the clip gained traction on social media, national news organizations began to pay attention. The New York Times ran an article describing the incident on its website's home page. The Atlantic, now infamous for its articles lambasting college students for being "hypersensitive," followed up with a piece by Conor Friedersdorf calling Click's outburst an example of the problem with the idea of "safe space." **Part of the media obsession with Click clearly had to do with the nature of the subject itself: threats to journalists tend to draw the attention of journalists.** But looking at student accounts from that week show that the story was about much more than a confrontation between protesters and a photographer. **The incident became a media distraction from the real issues - direct threats to students, and the complicity of faculty and school officials in them. As part of the free speech backlash, some journalists took it upon themselves to educate student protesters on how to be proper activists**. "To truly demonstrate self-determination, activists would do well to also learn how to use the media to amplify their story," wrote Deborah Douglas and Afi-Odelia Scruggs in the Columbia Journalism Review. **Journalists effectively turned the spotlight on themselves and used protest movements led by Black students against systemic racism and violence as a platform for their own voices.** The sophisticated organizing and concrete successes of these movements - the University of Missouri system president resigned within days, after all - were ignored. Instead, student activists were told they need a lesson in working with media. "Here was an activist group that needed us to get their message out and they were trying to shut us down," Brian Kratzer, a journalist reporting on the events for the Columbia Missourian, told NPR "Maybe they didn't understand how public spaces work."The focus on free speech offered an easy critique of student activists. An important but abstract principle was elevated to become the crux of the story. This strategy is one that New Yorker writer Jelani Cobb called that week "victim-blaming with a software update." The First Amendment narrative has allowed the media to disregard daily threats students of color are calling attention to at Missouri, Yale and dozens of other campuses. "To understand the real complexities of these students' situation," Cobb wrote, "free- speech purists would have to grapple with what it means to live in a building named for a man who dedicated himself to the principle of white supremacy and to the ownership of your ancestors." Cobb was referring to Yale, where students have been fighting to change the name of Calhoun College, named after the Confederate general. In stories on the Yale protests, reporters honed in on a video of a student confronting a residential college master over an email as further evidence of a supposed threat to free speech. But the reasons for students' mobilization - racialized harassment and administrative complicity in it - were repeatedly ignored. Junior Briana Burroughs called attention to the deeply unsafe campus culture students continue to fight against when she described ways she'd been verbally and physically harassed at fraternity parties. "Fear paralyzed me as their discussions of my Black body and hair turned into taunts and fondling. Every incident included jeering and pointing, and some included spanking and screaming," wrote Burroughs in the Yale Daily News. "Most, however, went unnoticed." As Yale senior Aaron Lewis pointed out on Medium, media discussion of campus activism created a split dynamic: A free-speech focus obscures the pressing problem of racism on campus. "People have lost sight of the larger issue: systemic racism on campus," Lewis wrote. The loss of focus on systemic racism that Lewis mentioned has become especially evident as free speech has been intellectualized as the problem of the "new student activism," and liberal college campuses. This came into focus at Yale when Erika Christakis, a live-in administrator at one of the residential colleges, questioned administrative cautioning against culturally appropriative Halloween costumes. "American universities were once a safe space not only for maturation but also for a certain regressive, or even transgressive, experience," she wrote in an email to students "Increasingly, it seems they have become places of censure and prohibition." Christakis pointed to the tired argument that US college students are creating environments of liberal intolerance through the tyranny of "safe spaces" and trigger warnings. In doing so, she negated the real threats cultural appropriation can cause to students of color. Should students really be required to educate their peers on the inappropriateness of wearing a feather headdress or blackface? Colleges are expected to address overt threats to the mental and physical health of their students. At the New Republic, Roxane Gay questioned whether those who make statements like Christakis' would believe that racism fell into this category. "Christakis suggests we take our arguments out of their real-world context - eliding real people in the process - and instead move them into the realm of the theoretical, where no one can feel hurt," she wrote. The tendency to intellectualize these situations distracts from the severity of racism and harassment and the threats to students' safety that are all too real. Students like Lewis, the Yale senior, make clear they don't see free speech principles as incompatible with fighting administrative complicity in racial injustice. But in working toward a clearer understanding of the climates these students are resisting, the polarization fostered by many media accounts made this work harder. "There's absolutely no reason we can't acknowledge both the value of free speech and the reality of the prejudice that students of color face everyday," wrote Lewis. "It saddens me that this has gotten to the point where people feel like they have to take sides." Since the week of November 9, media focus has shifted. International attacks by ISIS and the mass shootings in California and Colorado have rightfully commanded headlines in the past two weeks. However, looking back to that week - when media attention was very much focused on college protests against racism and this question of free speech - tells us much about how most news organizations think about student activists. As protests continue on campuses nationwide, Mrinal Kumar, a Yale Daily News columnist, called attention to the real power that students, undeterred by critical media attention, have in creating real change. "The last two weeks have proven that we have the power to incite change not only at Yale but also on campuses across the nation," Kumar said. "But we can't afford to stop there."

#### Protecting student campus racism sweeps the issue under the rug and harms minorities’ performance.

Gallagher: Gallagher, Dana. [Journalist, *World News*] “Racist Caricature in Student Journalism.” *World News*, November 18, 2015. CH

On Oct. 23, SUNY Plattsburgh’s student-run newspaper, The Cardinal Points, reached the national spotlight following its publication of a racially charged cartoon. The cartoon, which accompanied an article that touted the University’s strong minority presence, featured an African-American graduate in a decrepit neighborhood. The graduate appears undisturbed by the crooked stop signs, graffiti-scarred houses and broken-down cars surrounding him. With his bulging eyes and exaggerated mouth, he emerges as the modern caricature of African-Americans in a Jim Crow South. SUNY Plattsburgh, one of 64 state universities in New York, has experienced a number of racial flashpoints. Last year, the paper published an article describing how the racist milieu of Plattsburgh carries over into campus life. Plattsburgh is home to New York’s sole KKK chapter, and some students seem to embrace the Klan’s rhetoric. The school was also rocked by the discovery last year that “Black kids suck” was written on a bathroom stall. The illustrator of the cartoon under fire previously publicized his racist attitude on social media. He recently deleted an Instagram post captioned: “[His] favorite person in Plattsburgh” followed by the n-word as a hash-tag. The response of both staff of The Cardinal Points and SUNY Plattsburgh’s administration has been tempered. Jonathan Slater, chair of Plattsburgh’s Department of Journalism and Public Relations, attributes the publication of the offensive cartoon to a “procedural failure on the part of the students.” The editorial team, issuing an apology on Oct. 30, echoed Slater’s sentiment. It emphasized, “As SUNY Plattsburgh students...we are constantly trying to represent the campus community in the best possible way, and in this case, we did not do so.” As an independently owned and operated paper, The Cardinal Points undergoes content review each Monday before distribution. During these sessions, the editorial team works with a staff advisor to debrief on the previous issue. Neither the advisor, nor the editorial staff, responded to emails by The Voice for an interview to discuss this process. John Ellington, President of SUNY Plattsburgh, introduced several initiatives on Oct. 29 to address the campus-wide fervor. Writing to the campus community that “the front page illustration in Friday’s edition of Cardinal Points does not reflect a range of values SUNY Plattsburgh holds dear,” Ellington maintained that the University will hire a diversity officer, host a Diversity Week and create a student-led Multicultural Alliance in the coming years. For the interim, the SUNY Plattsburgh Black Student Union will hold town hall meetings for students to voice their concerns. If the cartoon is anathema to the University’s social scene, the campus community should be willing to engage in an open dialogue on the incident. Portraying the cartoon as an unfortunate publishing error or an isolated instance of stereotyping on campus, the school sweeps the issue of racism under the rug. The Cardinal Points editorial team, for its part, perpetuates barriers among races[.] in refusing to communicate with news outlets. Mutual understanding cannot be achieved when parties remain on the defensive. Defense acts a mechanism for self-protection and, as result, hinders an empowered camp from striving toward progress. The national backlash at SUNY Plattsburgh should not be analyzed in a vacuum; it is, in fact, representative of a society far from effectively navigating the waters of a plural society. Justice Ruth Bader Ginsburg, in her dissent of Schuette v. Coalition to Defend Affirmative Action, wrote that African-Americans suffer from “the lingering effects of an overtly discriminatory past, the legacy of centuries of law-sanctioned inequality.” The inability of SUNY Plattsburgh to establish a meaningful, campus-wide conversation reveals the lingering impact of the racial divide the classroom. Julie A. Helling, an associate professor of law, diversity and justice at Fairhaven College, argues that [T]he threat of being racially categorized undermines academic performance. Poor academic performance, in turn, seems to validate racial stereotypes. She notes, “[S]tudents of color have to spend much of their energy on racism in one form or another, and white students have that same energy to spend on education.” While Helling recognizes the vulnerability whites feel when typecast as racists in a classroom setting, she considers “what a lifetime as a student of color hearing these comments could do to the student’s focus.” In his 1848 report to the Massachusetts State Board of Education, education reformer Horace Mann articulated that “education...beyond all other devices of human origin, is the great equalizer of the conditions of men.” Mann’s vision, however, cannot reach fruition if the classroom remains a gauge for existing inequalities. To create opportunities for more equitable college experiences, we must first accept the vulnerabilities that our history entails.

### Advantage 1

#### No brink for their extinction impact – we’ve had limits on free speech for decades in the country

#### School newspapers are used as a medium for defamation and personal vendettas

**Hopkins:** Hopkins, Michael [J.D. Candidate, May 2008, The John Marshall Law School.] “COMMENT: HEMLOCK IN THE MARKETPLACE: HOW FREEDOM OF THE PRESS FOR COLLEGE NEWSPAPERS POISONS THE FIRST AMENDMENT.” *The John Marshall Law Review.* Summer 2007. RP

In Tinker, Justice Black was clearly bothered by the origin of the protected speech. Without addressing it directly, he noted non-plaintiff siblings of the Tinker plaintiffs, aged eight and eleven respectively, also defied the school rule against black armbands. He followed this observation by making note of the religious and political affiliations of the plaintiffs' parents. The subtext is clear: It wasn't the students' speech the court was protecting. The student papers in Hosty give rise to the same question Justice Black seemed concerned with: Whose speech is it, anyway? **At the heart of the Hosty case are publications prominently featuring The Innovator's one-time advisor, Geoffrey de Laforcade, and his disputes with the University over his termination**. It was a termination the student edi- tors were unwilling to acknowledge. Hosty's writing for the paper gave one-sided voice to de Laforcade's claims against the University and administrators who refused to renew his contract. **One article, which spanned several pages, included accusations of document alteration, racist comments, and mail tampering.** In the same issue, a letter to the editor penned by de Laforcade laid blame squarely at the feet of the college dean for a former colleague's suffering through kidney failure, as well as the colleague's inability to pay his aging mother's bills. **In a previous edition, Hosty stated that the dean's college was engaged in "confirmed unprofessional behavior ... which may prove to be illegal."** The article threatened student senate investigation of racial and religious discrimination and addressed de Laforcade's dismissal. Hosty further implied contract and due process violations on the part of the dean. Dr. Jacqueline Kil- patrick, who stated that de Laforcade was "unhappy" with her, likewise became a target of the paper. **Of course, this may mean nothing more than fealty to a respected former advisor, articulated through poorly-written and ethically unsound attacks. On the other hand, it stands for the proposition that the unrestricted First Amendment protection to student journalists and college newspapers in public universities provides a medium and a vehicle for attacks that have nothing to do with the marketplace of ideas, but rather with the personal agenda of anyone who has favorable access to an untouchable student journalist.**

#### Their extinction scenario is a joke – its quoting language from a Court decision by Justice Burger in the 80s that deliberately used hyperbolic and figurative langage – it’s not about *literal* extinction.

#### Unrestricted free speech in student newspaper means students ruin their own lives.

**Kabay:** Kabay, M.E. [Contributor, Network World] “Free speech issues: Controlling content in college newspapers.” *Network World.* December 2010. RP

**The situation is not so clear in a college newspaper. A major purpose of such publications is to offer students opportunities to express their interest in journalism**, to exercise their creativity and imagination, and to use their enthusiasm. Strong, well-written opinions should be welcome, even if they attack university policies or specific actions by named individuals. **But in my opinion, encouraging or even allowing students to publish sloppy research and poorly written work does not contribute positively to their growth. Writing articles that are more appropriate for a** [**supermarket tabloid**](http://weeklyworldnews.com/area51/3075/five-classic-weekly-world-news-covers/) **("Hillary Clinton Adopts Alien Baby;" "Dick Cheney is a Robot!") than for a serious publication – and having them published on the Web for the world to read – is a pretty brutal growth experience: the writer and the quoted students will be suffering the consequences of their unflattering self-portrayals for years when potential employers search for information about them on the Web.**

#### Allowing unrestricted free speech in journals lets white nationalists build off of each other – Twitter proves.

**McElwee:** McElwee, Sean [Contributor, The Huffington Post] “The Case for Censoring Hate Speech.” *The Huffington Post.* July 2013. RP

It’s interesting to note how closely this idea resembles free market fundamentalism: simply get rid of any coercive rules and the “marketplace of ideas” will naturally produce the best result. **Humboldt State University compiled a visual map that charts 150,000 hateful insults aggregated over the course of 11 months in the U.S. by pairing Google‘s Maps API with a series of the most homophobic, racist and otherwise prejudiced tweets. The map’s existence draws into question the notion that the “twittersphere” can organically combat hate speech; hate speech is not going to disappear from twitter on its own.** The negative impacts of hate speech cannot be mitigated by the responses of third-party observers, as **hate speech aims at two goals. First, it is an attempt to tell bigots that they are not alone. Frank Collins — the neo-Nazi prosecuted in National Socialist Party of America v Skokie (1977) — said, “We want to reach the good people, get the fierce anti- Semites who have to live among the Jews to come out of the woodwork and stand up for themselves.”**

#### Racist papers trades off with activism—causes boycotts

Kate Talerico 16 ("When Student Activists Refuse to Talk to Campus Newspapers," Atlantic, 6-30-2016, https://www.theatlantic.com/education/archive/2016/06/when-student-activists-refuse-to-talk-to-campus-newspapers/486326/, ghs//sk)

¶ As student activists call for the institutions around them to confront issues of diversity and inclusion, campus newspapers have been critiqued as well. But activists are not just calling for reform—editors of campus papers are struggling to improve their papers alongside student bodies that, in some cases, would like to see student newspapers as an institution disappear. Students boycotted the Brown Daily Herald (BDH), where I am a news editor, after it published two racist opinion pieces for which it later apologized. Since then, students have used the publication’s controversial past as reason to refuse comment and even to remove reporters from campus-wide events. These kinds of conflicts have erupted on campuses across the country. Melissa Click, a former assistant professor at the University of Missouri who was eventually fired, tried to stop a student reporter from covering a campus protest. Student activists at Smith College told student journalists they would be barred from a black-solidarity rally unless they vowed to “participate and articulate their solidarity with black students and students of color.” Even a headline can ignite backlash: Yale Daily News (YDN) journalists have struggled to interact with social-justice advocates on campus since the paper ran an article about accusations that a fraternity discriminated against people of color with the headline “SAE denies charges of racism.” Sometimes the confrontations have resulted in long-term consequences. At Wesleyan University, student activists critiqued the student newspaper, the Argus, when they failed to cover a Black Lives Matter protest in the fall, although the paper had not yet begun its print cycle for the year. Later that year, the Argus published a controversial opinion piece that prompted the student government to cut its funding in half. As the paper attempted to ramp up its coverage of events centering on students of color in response to student demands from early that fall, it was further stonewalled, according to Rebecca Brill, the newspaper’s former editor-in-chief. “We were trying to fix this thing that was a valid critique of us,” she said, “but the people who were critiquing us weren’t letting us talk to them.”Across the country, students have called for meaningful changes within campus publications to support marginalized communities, or even the disbanding of their student newspapers, from colleges like the University of Arizona to Dartmouth. Several editors from publications attending the conference declined to comment for this article, fearing they would jeopardize progress made in working with communities of student activists.

#### The idea of a free press is a myth of capitalism and prevents a real critique of the system

**Morley:** Morley, Daniel [Contributor, In Defense of Marxism] “Our Cherished Freedom of Speech Myth.” *In Defense of Marxism.* February 2015. RP

**On February 17th Peter Oborne, one of the UK's most respected journalists, resigned from the Daily Telegraph and publicly condemned its practice of placing advertisers interests above those of the truth. As a conservative liberal, Peter Oborne is concerned that our famed and cherished 'freedom of speech' is being undermined by business interests.** Freedom of expression is routinely and uncritically heralded as our society's proudest achievement to be defended at all costs. **It is always assumed that, essentially, we possess this freedom, and it is only necessary to preserve it in one way or another. In truth, under capitalism there is no such thing as free expression nor a free press, for capital decides everything**. “There is no such thing, at this date of the world's history, as an independent press. You know it and I know it. **There is not one of you who dares to write your honest opinions, and if you did, you know beforehand that it would never appear in print.** I am paid weekly for keeping my honest opinions out of the paper I am connected with. Others of you are paid similar salaries for similar things, and any of you who would be so foolish as to write honest opinions would be out on the streets looking for another job. “**If I allowed my honest opinions to appear in one issue of my paper, before twenty-four hours my occupation would be gone. The business of the journalist is to destroy the truth; to lie outright; to pervert; to vilify; to fawn at the feet of mammon, and to sell the country for his daily bread.** You know it and I know it and what folly is this toasting an independent press. We are the tools and vassals of the rich men behind the scenes. **We are the jumping jacks, they pull the strings and we dance. Our talents, our possibilities and our lives are all the property of other men. We are intellectual prostitutes.”**

### Advantage 2

#### So many alt causes – the rise of Trump being one of them proves that there are other harms to civic engagement

#### No brink for civic engagement or spillover claim – their evidence isnt about speech, or colleges, or journalism.

#### First Amendment rights for journalists are bad for civic engagement – they give journalists a bubble they wouldn’t have in the real world that protects them from liability

**Hopkins:** Hopkins, Michael [J.D. Candidate, May 2008, The John Marshall Law School.] “COMMENT: HEMLOCK IN THE MARKETPLACE: HOW FREEDOM OF THE PRESS FOR COLLEGE NEWSPAPERS POISONS THE FIRST AMENDMENT.” *The John Marshall Law Review.* Summer 2007. RP

**First Amendment protection for college newspapers is a myopic aberration**. Courts should adopt a deferential standard of reasonableness in student newspaper cases, without any of the forum analysis suggested by Hazelwood and Hosty. **Further, state-run institutions must be put in the position of publisher in order to remove the student journalists' license to libel. The fundamental flaw in the current conception of First Amendment rights for college journalists is an anomalous creation of protections that do not exist outside of this artificial bubble. The anomaly results in a virtual license to libel by those least trained in, and least restrained by, professional ethics. Students are likely judgment proof, and institutions simply have no liability for harms inflicted with their tacit support. Further, this bubble exists in an insular academic community that has broader social implications than the courts have imagined in their cauldron of speech conception**. Students' children and other children brought to campus for various activities are likewise a part of the campus community; thus, the vision of a college campus as a unique environment filled with wide-eyed and adult minds reaching for knowledge and emerging from a crucible of ideas, forged wiser for a better world, is untenable. **It is a naive and myth-laden conception.** Instead, this vision is, by design, more suited to the abuse of others within the community and the susceptibility to abuse by any who can gain access to the medium.

#### Student newspapers misinform

**Fang:** Fang, Marina [Contributor, The Huffington Post] “Most College Students Want Free Speech on Campuses – But Not When It’s Hate Speech.” *Huffington Post.* April 2016. RP

The survey noted that race plays a particular role in college students’ perceptions of First Amendment freedoms. For example, only 39 percent of the black students in the survey reported feeling less confident in the right to peacefully assemble, compared to 70 percent of white students. **Students are highly distrustful of the press. Nearly 60 percent of the students surveyed “have little or no trust in the press to report the news accurately and fairly,” and many expressed mixed opinions about the media’s coverage of campus protests. While the vast majority of students surveyed said that the press should generally have unrestricted access to campus protests, close to half said that in some cases, there can be reasons to bar the press, like if protesters think that the reporter may be biased, or whether “the people at the protest say they have a right to be left alone.”**

#### Solves nothing – if anything, civic engagement and exposure to the correct side just further entrenches false beliefs.

Keohane 10, Joe, How facts backfire, 2010, <http://archive.boston.com/bostonglobe/ideas/articles/2010/07/11/how_facts_backfire>Maybe not. Recently, a few political scientists have begun to discover a human tendency deeply discouraging to anyone with faith in the power of information. It’s this: Facts don’t necessarily have the power to change our minds. In fact, quite the opposite. In a series of studies in 2005 and 2006, **researchers** at the University of Michigan **found that when misinformed people,** particularly political partisans, **were exposed to corrected facts** in news stories, **they rarely changed their minds**. **In fact, they** often **became** even **more** strongly **set in their beliefs**. Facts, they found, were not curing misinformation. Like an underpowered antibiotic, facts could actually make misinformation even *stronger*. This bodes ill for a democracy, because most voters — the **people** making decisions about how the country runs — aren’t blank slates. They already **have beliefs**, and a set of facts lodged in their minds. The problem is that sometimes the things they think they know are objectively, provably false. And **in the presence of** the **correct info**rmation, such people react very, very differently than the merely uninformed. Instead of changing their minds to reflect the correct information, **they** can **entrench themselves even deeper**. “The general idea is that **it’s** absolutely **threatening to admit you’re wrong**,” says political scientist Brendan Nyhan, the lead researcher on the Michigan study. The phenomenon — known as “backfire” — is “a natural defense mechanism to avoid that cognitive dissonance.”

#### Students are globally aware – they know politics and challenge existing ideology.

**Levine:** Levine, Saul [Professor, UC San Diego] “College Students: Coddled or Constructive Activists?” Sep 2016. RP

**Lest you think that today's students are ignorant of prevalent political and societal unrest, let me assure you that this is not the case. In this era of 24/7 internet and media, they are more aware than most of us were at their ages. You might also notice, however, that all is not serene, and that there is as much ferment and anger as ever. You have likely read recent newspaper stories about student-faculty confrontations at Oberlin, Yale University, and the University of Chicago, but these are in fact occurring at many colleges. In these events, outspoken students are extremely concerned about their personal travails and social pressures on campus**. They are frustrated about perceived personal slights and injustices, psychologically toxic environments, political correctness and bruised feelings. Students on many campuses are clamoring for protection from psychological "triggers" in the curriculum or in campus announcements. They are demanding designated "safe zones," where they can feel secure, protected from those whose words or tones of voice they find distasteful, unacceptable or even threatening. Many also expect personal attention for their feelings and vulnerabilities. Some complaints have to do with perceived hectoring by faculty and administrators about how to act in certain situations. They say they’re being infantilized, not treated respectfully as adults. On the other hand, there are demands that colleges provide individual attention for their personal and pedagogic difficulties. Others criticize professors either for not being culturally sensitive to their particular group (religion, race, language, dress, gender or gender identity), or for pandering in offensive ways, trying too hard to assuage perceived offense. In a few of the filmed vociferous confrontations, indignant students were shown yelling, swearing, and sobbing. They felt unheard and they upbraided faculty and administrators for being dense or duplicitous, or even dangerous and evil. There have been threats of lawsuits, removal of donor funding, or even violence. This not meant to be a litany of complaints about contemporary students, who are an impressive generation. College is a major step in their personal maturation and socialization,

#### Limitations are better – they force journalists to be held accountable which teaches responsibility.

**Hopkins:** Hopkins, Michael [J.D. Candidate, May 2008, The John Marshall Law School.] “COMMENT: HEMLOCK IN THE MARKETPLACE: HOW FREEDOM OF THE PRESS FOR COLLEGE NEWSPAPERS POISONS THE FIRST AMENDMENT.” *The John Marshall Law Review.* Summer 2007. RP

This reasonableness would protect college officials from over-zealous First Amendment litigation against them, in their personal capacities, in federal courts. Conversely, however, it would allow a remedy against the same officials, in their personal and official capacities, in state courts n168 for individuals libeled by student newspapers. As publishers, university administrators would be held accountable for publication and resulting injuries, thereby defeating the liability-free zone currently in existence. **First Amendment protection for student journalists in state universities is detrimental to learning objectives and offers a unique medium for harm. Instead of adopting the Hazelwood forum analysis in college newspaper censorship cases, a deferential reasonableness standard should be applied in issues of prior restraint. This would allow journalistic freedom comparable to that which exists in the real world, in which real journalists operate, with the institution in the position of publisher and responsible for preventing libelous or unethical content, as well as content that is at odds with the institutional environment or interests**. This reasonableness would protect college officials from over-zealous First Amendment litigation against them, in their personal capacities, in federal courts. Conversely, however, it would allow a remedy against the same officials, in their personal and official capacities, in state courts for individuals libeled by student newspapers. As publishers, university administrators would be held accountable for publication and resulting injuries, thereby defeating the liability-free zone currently in existence. This approach also acknowledges a reality that First Amendment zealotry ignores: **Without a publisher to whom student journalists or editors are answerable, the journalistic experience of working on newspapers in state colleges is not rooted in reality, and, therefore, there is no justification to extend abso- lute First Amendment protections to our most inexperienced journalists.**

#### Alt cause – Hazelwood only affects public schools, as does the Aff – there will be tons of censorship in like half the country regardess of the Aff

**Scholastic:** Scholastic News [Educational resource] “The Hazelwood Decision and Student Press.” *Scholastic.* No date. RP

**In January 1988, the United States Supreme Court handed down its decision in the case Hazelwood School District v. Kuhlmeier.** The decision upheld the right of public high school administrators at Hazelwood East High School in suburban St. Louis, Missouri, to censor stories concerning teen pregnancy and the effects of divorce on children from a school-sponsored student newspaper. The "Hazelwood" decision was in dramatic contrast to the previous 15 years' decisions of courts across the country that had given student journalists extensive First Amendment protections. As a result, many students and advisers are concerned about the status of their rights. Although the Supreme Court was only dealing with a student newspaper in this case, it seems clear that all student news and information media could be affected. Student newspapers, yearbooks, and literary magazines, as well as radio and TV programs, can use this information as a guide. **Because the First Amendment only protects against the actions of government officials, and the "Hazelwood" case only dealt with First Amendment rights, private school students are unaffected by the "Hazelwood" decision**. They must rely on school policies or state law to protect their free expression rights. The most significant aspect of the "Hazelwood" decision is the emphasis it gives to determining whether a student publication is or is not a "public forum" for student expression. Some student publications that formerly may have been presumed public forums may not be after "Hazelwood." The determination of forum status may not always be clear, but this article describes how it will likely be made.